THE JOURNAL OF AMERICAN CITIZENSHIP

POLICY REVIEW

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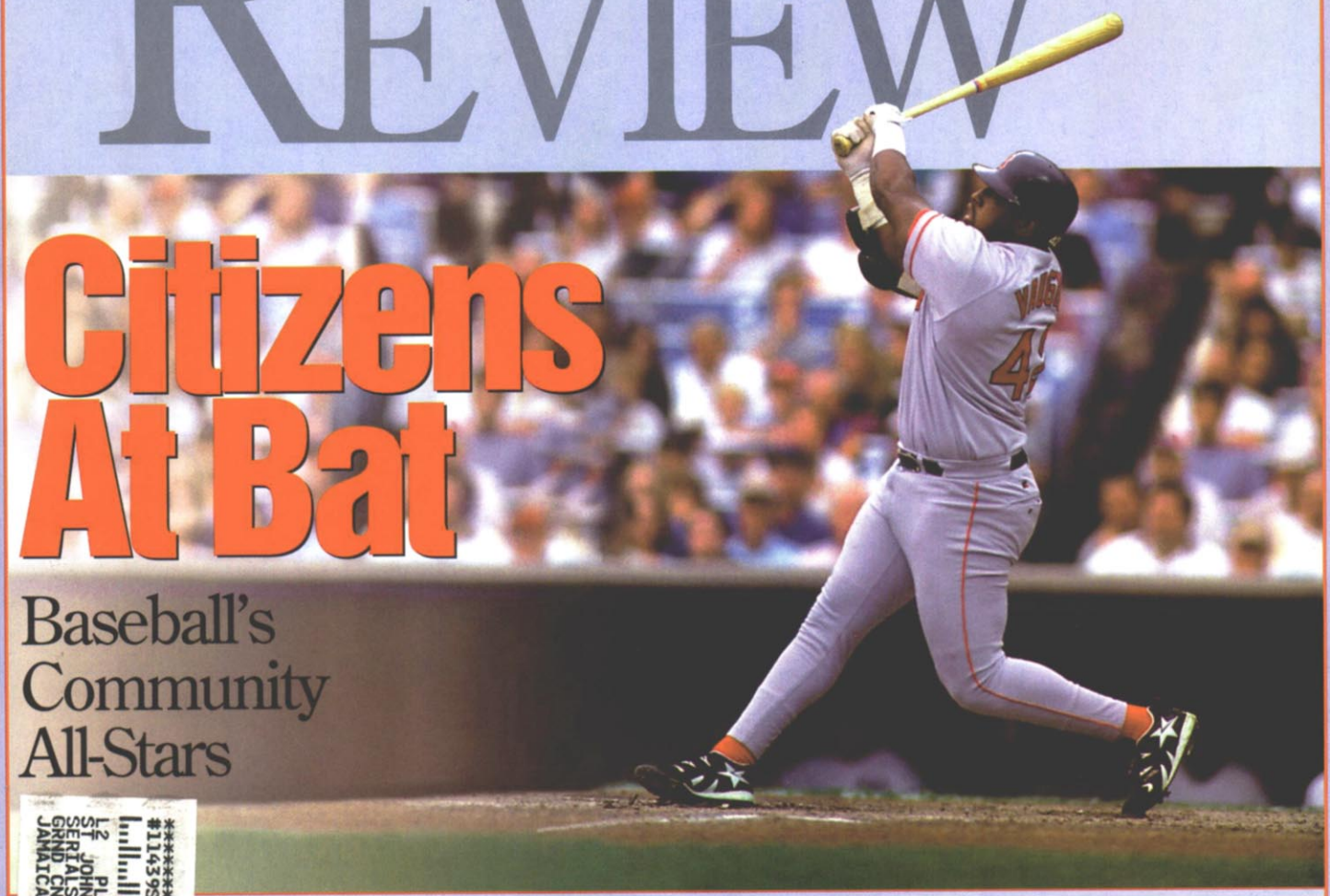

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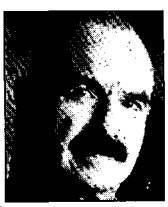

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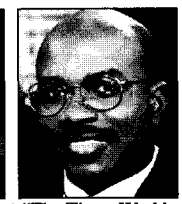

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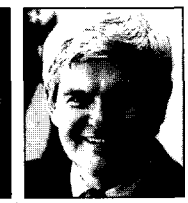

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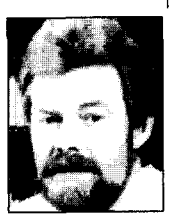

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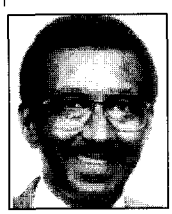

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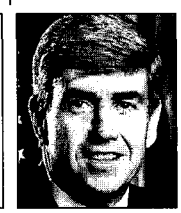

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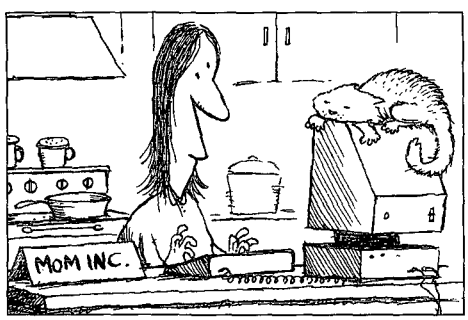

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Our mission is to revive the spirit of American citizenship by recovering the core political principles of our Founding Fathers and by articulating and advancing the conservative vision of civil society.

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American citizenship combines freedom with responsibility. These are the two great themes of modern conservatism, and they build on the best of the American tradition. Americans come from all races, all nationalities, all religions. Americans are united in citizenship not by common ancestry but by a common commitment to the political principles of the United States: the Constitution, the rule of law, the rights to life, liberty, and the pursuit of happiness.

Americans are united, too, by the common duties of citizenship: the obligation to protect our country from foreign enemies, to take care of our own families, to participate actively in civic life, to help our neighbors and communities when they are needy, and, in turn, not to take advantage of others' generosity when we can take care of ourselves.

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—James Madison

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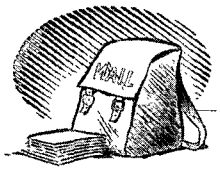

Correspondence

The Jury's Out

To the Editor:

I was pleased to read a serious discussion of the need to reform our jury system. I agree with many of Akhil and Vikram Amar's proposals ("Unlocking the Jury Box," May-June 1996).

I take exception, however, to their progressive reduction in the majority needed to convict. Though 11-1 or 10-2 jury verdicts in noncapital cases may be appropriate and have been upheld by the Supreme Court, reducing the necessary majority further would harm the deliberative quality of jury work. All research on juries supports the view that abandoning the unanimity requirement distorts the deliberative function by abbreviating it and renders jurors less interested in the views of their colleagues.

James Q. Wilson
Professor of Mgmt. and Public Policy
UCLA
Los Angeles, Calif.

To the Editor:

The jury was never intended to be the most efficient or scientific means of determining truth in contested matters.

The misperception that juries are meant to be specialists in truth-seeking has led to bizarre undertakings such as the search in celebrated cases for veniremen who are "perfectly ignorant," leading lives of such complete insularity that they have heard nothing of an important case through any medium or in any conversation. It has led also to a frustration with the jury system that is by no means recent. More than 80 years ago, Mark Twain grumbled, "The jury system puts a ban upon intelligence and honesty and a premium upon ignorance, stupidity, and perjury."

Juries were not established to be simple conduits for sentiments favorable to either plaintiff or defendant, prosecution or accused. Nor were they devised to intrude level-headedness upon the law.

A jury works to restrain the most immediate of injustices—the arbitrariness or prejudice of a particular judge in a particular case.

Its larger role is to operate as a check upon all arbitrary government power it encounters, whether legislative (in writing laws), executive (in bringing prosecutions), or judicial (in conducting trials). The best understanding of jury service is not as an element of a particular lawsuit or even as a part of the legal system but as a function of citizenship.

It is with this correct understanding that the professors Amar write their article. One may take issue with any number of their specific prescriptions. For example, I see no room for "support staffs" for juries, especially not permanent ones, which would inevitably become a means by which the government could control juries. I would, however, allow jurors to take notes, to question jurors through notes passed to the judge, and even to discuss a case among themselves under certain circumstances, but I would guard against the heightened dangers of "group think" fostered by such changes by preserving the rule of unanimity for criminal convictions and acquittals.

The beauty of the federal system, of course, is that a proposal for reform need not be certifiably perfect in order to receive a test. Let the laboratories of democracy go to work on the ideas of the professors Amar.

Joseph A. Morris
President
The Lincoln Legal Foundation
Chicago, Ill.

To the Editor:

Law professors Akhil and Vikram Amar offer valuable insights, but there are some fundamental points with which I strongly disagree.

First, we do not instruct the jury at the beginning of a case on legal standards because we do not know beforehand what evidence will become part of the record. Instructing the jury at the outset on an element of a case that is not proven could distract the jury from the real issues or, even worse, result in a mistrial.

Second, the suggested nonunanimous verdict formula in criminal cases would end the deliberative jury process and raise constitutional due-process concerns. On day one, the standard of proof for the state is "beyond a reasonable doubt," and on following days that burden dwindles as juror votes opposed to a guilty verdict are stripped away. A desired guilty verdict could be obtained simply through the passage of time rather than through deliberation.

Mark N. Troobnick
American Center for Law and Justice
Washington, D.C.

To the Editor:

The jury-reform proposals put forth by Akhil and Vikram Amar were interesting but hardly news. They already exist in a portion of the federal court system under the Uniform Code of Military Justice (UCMJ).

Under the UCMJ, the members of "the court" (what the military calls the jury) are reasonable, experienced members of the community, receiving normal pay for this temporary duty. Each side has only one peremptory challenge. Typically a panel will be used to create a handful of courts which will cover all cases coming up in a period of two or three months, so a panel member will serve for several trials. Members of the court may question witnesses through the judge and even call for additional witnesses the lawyers don't call. Almost all votes require only a two-thirds majority. The only exceptions are sentences of more than 10 years, which require a three-fourths majority, and death sentences, which require unanimous verdicts.

The Miranda Rights were copied from Article 31 of the UCMJ. Perhaps it is time for more of the UCMJ to be adopted by the outside world.

Harry V. Ellis III
U.S. Army Reserve (Ret.)
Chicago, Ill.

Letters to the Editor

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To the Editor:

The professors Amar are correct: We need to reform the jury system. Their analytical foundation is flawed, however.

First, it is not the job of government in a republic to educate—or re-educate—the people. For jury duty to serve as a check on tyranny, we cannot trust the potential tyrant to be our teacher. It is every citizen's responsibility to educate himself. That is part of being eternally vigilant.

Second, the authors conflate privilege, right, and duty. They write that jury service is "not only a right, but also a duty." It is a duty, pure and simple.

Have we not learned from the gays-in-the-military fiasco? Military service is neither a right, as homosexuals maintain, nor a privilege as conservatives counter. As the Supreme Court pointed out in the World War I Selective Draft Cases, military service is a duty. The plenary power of government to enforce a duty subsumes the power to selectively compel or exclude. Homosexuals can be precluded from military service. Similarly, if there are problems with "stupid" juries, governments can limit those called, using any criteria they choose.

Principles of republicanism and duty offer evaluative thresholds. Many of the authors' suggestions fall short.

Steven W. Fritschen
The National Legal Foundation
Virginia Beach, Va.

Education Heaven?

To the Editor:

Harvey Mansfield and Michael Medved have proposed two excellent ways to improve higher education in the United States ("I Have a Dream," March-April 1996). Which would be better? A new great-books junior college or a concerted effort to capture one of the elite but now decadent liberal-arts colleges?

Choosing between Arcadia and Elysium is difficult, but only Arcadia is open to the living. A great-books junior college could be founded quickly and at small expense. If it did not shackle itself with a tenure system, if it bypassed the entanglements of federal research grants, if it were to forgo building an academic library in favor of a shelf of books which every student could and ought to own, and if it ensured that its graduates were not only well read but well spoken and disciplined writers, a great-books junior college would thrive. I know, because Boston University's voluntary freshman and sophomore great-books program (in which Mansfield himself has lectured—on Machiavelli) is thriving.

To overthrow political correctness and restore a reign of genuine intellectual open-mindedness at a place like Dartmouth or Williams is a task for generations. Scores of deconstructionists, new historicists, Cold War revisionists, die-hard Marxists, resentment-mongering feminists, gender-upenderists, Afrocentrists, and grievance-sniffing victimologists can all look forward to the next century with the comforting thought, "I'm tenured, and thanks to congressional Democrats, there is no mandatory retirement for tenured faculty members."

Conservatives who seek the best in higher education must look to the few colleges and universities (like St. John's College in Annapolis and Santa Fe, St. Thomas Aquinas College, and Boston University) that buck trends; must face the prospect of a four-year immersion in the hostile environment of one of the old liberal-arts colleges; or must begin, as Mansfield suggests, to build a college for themselves.

Peter Wood
Associate Provost
Boston University
Boston, Mass.

A Safe Bet

To the Editor:

In the "The Diceman Commeth" (March-April 1996), Ronald Reno perpetuates many myths and outdated stereotypes about the gaming-entertainment industry. The industry has a positive record and a great story to tell.

Opponents of the industry—like Robert Goodman and Earl Grinols—argue not only that gaming does not benefit communities economically but that they impose a social cost by creating problem gamblers. These "experts" use outdated economic models to reach their outlandish conclusions.

Grinols's oft-quoted study of the social costs of problem gamblers, for example, bases its estimates on one 1981 study of 28 *pathological* gamblers in treatment at Johns Hopkins University.

At a recent legislative session in Topeka, Kansas, Grinols admitted that he had "some skepticism about the data he used for his research." Dr. Howard Schaffer, the director of the Division of Addictions at Harvard University Medical School, says Grinols seriously inflates the social costs of gamblers.

Although experts acknowledge that approximately 95 percent of all people have no problem with gaming, there has never been any question in the mind of the industry that *one problem gambler is one too many.* With this philosophy, the American Gaming Association created the National Center for Responsible Gaming to develop a body of knowledge concerning the incidence of, causes of, and possible treatments for problem gamblers.

Frank J. Fahrenkopf Jr.
President and CEO
American Gaming Association
Washington, D.C.

V-Chip, Big Brother

To the Editor:

Senator Joseph Lieberman's polemic, no matter how he dresses it up in populist rhetoric and solicitude for parental concern, is a headlong plunge into government censorship and away from parental responsibility ("Why Parents Hate TV," May-June 1996). Certainly there is trash on television these days, but every television has an off switch, every parent the ability to say "no."

It is not surprising that he of the party that popularized the phrase "I'm from the government and I'm here to help you" would seek a government solution to this problem. More problematic is why conservatives would go along. Even more of a mystery is why parents would so willingly cede one more facet of their children's upbringing to government bureaucrats.

Kim Weissman
Longmeadow, Mass.

To the Editor:

Senator Lieberman's article and his support for the V-chip ratings system is well intentioned but completely misses the mark.

The first problem is our unthinking acceptance of television's presence in our daily lives. We complain about the depraved content of television programming but don't consider ridding ourselves of TV.

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Second, most parents don't hate TV; they like it. For parents to look to government and the entertainment industry to protect their children while they continue to welcome television into their homes to suit their own purposes is selfish and irresponsible.

Hats off to the small but growing number of thinking parents and citizens across this country who are choosing a TV-free lifestyle for themselves and their families. The V-chip is no match for the benefits of simply getting rid of the TV.

Gloria J. Kittok
Minneapolis, Minn.

To the Editor:

It's no surprise that many lawmakers support the V-chip, which will turn the remote control over to parents. But the sad truth is that new technologies like the V-chip may not be so empowering after all. When it comes to authority and responsibility, let's remember that government can't return what parents haven't relinquished.

At its best, the V-chip helps filter programming and requires participation on the part of a parent. It is better than nothing, for sure. But at its worst, it ignores otherwise common-sense truths: that playing, learning, doing, and reading are better than watching television; that programming that inspires a child to do one of the above is preferable to programming that does not; and that watching television with a parent is better than watching without one.

Nobody in public television wants children to watch television—not even public television—all day. Our hope is that what a child watches on television motivates him to act on an interest or an idea. Public broadcasting provides quality programming and encourages parents to watch with their children. The V-chip does neither. In fact, it provides greater license to leave children alone.

The V-chip may block out bad shows, but parents must first program the chip. Ironically, parents likely to take the time to learn to use the V-chip probably already make time to watch TV with their kids and regulate TV use.

Lieberman writes that parents are angry because "they cannot sit down to watch TV with their children without feeling embarrassed or demeaned." That's why it is so important to increase the kind of nonviolent programming that encourages parents to participate in the viewing habits of their children, using TV as both an entertaining activity and an educational tool. That is public broadcasting at its best.

The prospect of sheltering our kids from cruddy programming is appealing, especially as more Americans work harder to break even and spend less time with their families.

But the promise of television and other information technologies is imperiled if we don't take responsibility for providing a steady stream of programs that educate, inspire, elucidate, *and* entertain.

Television doesn't inflict violence on our children. We do. Television doesn't hurl adult images at our children. We do. Television doesn't control the remote. We do.

Michael J. Schoenfeld
Senior Vice President
Corporation for Public Broadcasting
Washington, D.C.

No Nation of Quotas

To the Editor:

I agree with much of Adam Meyerson's "Nixon's Ghost: Racial Quotas, May They Rest in Peace" (Summer 1995). My position, as was that of our late leader, the Honorable Elijah Muhammad, is that blacks should look to ourselves for economic and educational success and progress.

Imam W. Deen Mohammed
Calumet City, Ill.

Ohio's School Choice

To the Editor:

Grover Norquist's article "Spirit of '96" (May-June 1996) was characteristically superb, but there was a glaring omission. Ohio governor George Voinovich should be added to the list of governors who staunchly support school choice.

Almost single-handedly last year, Voinovich spearheaded the enactment of the nation's second school-choice program. This spring, 6,500 Cleveland children applied for 1,500 scholarships to attend private schools in the fall.

Like the Milwaukee program, the Cleveland program is being challenged in the courts by the education establishment. We are proud to stand alongside Wisconsin governor Tommy Thompson and Governor Voinovich, defending their pathbreaking programs on behalf of low-income families in desperate need of education alternatives.

Clint Bolick
Institute for Justice
Washington, D.C.

A Great Idea

To the Editor:

I enjoyed "19 Great Ideas for Repairing Civic Life" (March-April 1996). Here's a 20th: Peer pressure. Community. Hand up, not hand out. Entrepreneurialism. Self-reliance. It's apple pie, motherhood, and the American flag all in one. What am I talking about? Schemes such as Canada's Calmeadow, called "The People's Bank" by *Report on Business* magazine.

Calmeadow has 850,000 Third-World clients in addition to its sizeable Canadian portfolio. The trick: lending tiny amounts of money to support microentrepreneurialism and using peer support (and pressure) to undergird the system.

The basic idea: Give a small loan with a short payback period (say $500 at prime plus 2 percent to be repaid in six months) to someone with an idea that a bank wouldn't touch with a 20-meter pole. And set up a peer council to approve the loan and lender and guarantee to repay the loan if it goes sour. Calmeadow loans, which are extended mostly to rural women, rarely do: They have an amazingly low default rate of just 4 percent.

That's all there is to it. Yet it is revolutionary—at least in this era of corporate and state welfare. So my wish is for a network of Calmeadow look-alikes far more widespread than at present.

My fear, of course, is that the institutionalization of anything leads to calcification and proceduralism, which negates the original purpose.

I certainly, then, don't champion a federal Son of the Small Business Administration. I can imagine that we might provide incentives to banks and other financial institutions to create Calmeadow clones or that local governmental institutions could create Calmeadows of their own.

"Private initiative" is obviously the preferred route, but one fears that we would end up with a dozen points of (Calmeadow-like) light rather than the thousand points we need.

Tom Peters
Tom Peters Group
Palo Alto, Calif.

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We the People

AMERICA'S SOCIAL ENTREPRENEURS

Corporate Upsizers

The American economy has created 9.5 million new jobs in the last four years, 660,000 in just the first quarter of 1996. Unemployment has tumbled from 7.8 percent to 5.4 percent. California has pulled itself out of recession. In Wisconsin and Michigan, under conservative governors, unemployment has fallen to modern lows of 3.6 percent and 4.6 percent.

So what's the big economic story on the campaign trail and in the national press? Downsizing. Economic insecurity. The collapse of communities buffeted by plant closings. The "greed" of corporations whose stock prices go up as their payrolls go down.

If so many more Americans have jobs, surely someone must be hiring. And in fact, thousands of American firms are "upsizing"—adding to their payrolls, often hiring the experienced talent laid off by others. This is an extraordinary period of creativity and entrepreneurship in the American economy, and jobseekers are benefiting.

Wal-Mart, the republic's largest employer, added 41,000 new jobs in the U.S. last year—roughly the same number that AT&T is eliminating over three years. These are good jobs, with medical benefits for all full-time employees, profit-sharing, and tremendous opportunities for advancement. Thousands of Wal-Mart "associates," as all employees from executives to stockboys are called, have become wealthy thanks to their purchases of company stock. What does it say about the American press that the AT&T downsizing has received 10 times the attention paid to Wal-Mart's upsizing?

Wal-Mart's American payroll has grown from 270,000 jobs to nearly 630,000 over the last five years. With each new store, the Arkansas-based retailer adds 150 to 400 jobs. The press focuses on community opposition to new Wal-Mart stores—usually led by competitors who charge higher prices—while ignoring the equally important story of job creation.

Wal-Mart isn't the only retailer massively expanding its payrolls. America has the most competitive, most efficient, and most innovative retailing and distribution industry in the world. Circuit City electronics stores, Gap clothing stores, and Revco drugstores are just a few of the growing chains that are building on their competitive strength to create thousands of new jobs.

Lowe's, a chain of home-improvement stores based in North Wilkesboro, North Carolina, has tripled its payroll in the last five years, from 16,000 to 45,000. Last year Lowe's opened 55 new stores, and every time it opens a store it hires 150 to 200 associates. Employees own 20 percent of the company's stock, and enjoy greater wealth as well as promotion opportunities as their company expands.

But retailing is hardly the only industry seeing rapid expansions of payrolls. As IBM and AT&T lay people off, other telecommunications and computer companies are energetically hiring. Since 1988, Motorola, the cellular-phone and microprocessor giant, has added 20,000 in the United States. Last year alone, its American employment rolls expanded by more than 5,000. Microprocessor wizard Intel created 9,800 new American jobs last year. The U.S. payroll at scientific-instrument-maker Hewlett-Packard has risen to more than 60,000, up from 53,000 in 1991. Last year sales rose by 48 percent at Dell, which bypasses stores and sells computers directly to the consumer; its U.S.-based marketing, manufacturing, and technical support staff expanded by 1,100.

The explosion of entrepreneurial energy in business services is creating phenomenal job and advancement opportunities. Consider Alco Standard, a Harrisburg, Pennsylvania, firm that is growing by leaps and bounds as it helps companies save money on their paperwork. Owner of Unisource, the largest distributor of paper and paper-supply systems to American business, Alco Standard also owns Ikon Office Solutions, a giant in copying, fax, and computer-network services for corporate offices. In less than two years, Alco's U.S. employment has risen from 30,000 to more than 40,000 (due in part to acquisitions, but mostly to internal expansion).

Even many Rust Belt industries are shaking off their rust and showing new vigor in job markets. The hourly U.S. payroll at Ford Motor Co. rose by 1,300 last year, although there was no increase in salaried white-collar employment—in recognition, perhaps, that too many American companies have been a little top-heavy in middle management. U.S. employment at auto-parts maker Dana Corp. has risen by 5,000 over the last two years.

Forbes reports that employment rose by 240,000 in 1995 at the 787 companies in the "*Forbes* 500s"—the top American companies in sales, profits, assets, and market value. Even more dramatic, almost 200 of these companies increased their payrolls by at least 1,000 employees last year. Granted, these are global figures, and some of these payroll expansions were overseas. Also, a number of companies saw increases in American payrolls as a result of mergers and acquisitions. But dozens of "*Forbes* 500s" companies registered substantial domestic payroll increases as a result of internal expansion. America's upsizing story is at least as important as its downsizing story. Shouldn't it be told?

Wal-Mart added 41,000 jobs last year—roughly the number that AT&T is shedding over three years.

by Adam Meyerson

Adam Meyerson is a vice president of The Heritage Foundation and the editor of Policy Review: The Journal of American Citizenship.

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Abuses and Usurpations

HUD Slaps Drug-Rehab Wonder

by John P. Walters

John P. Walters is the president of the New Citizenship Project, based in Washington, D.C.

Rather than study him," Newt Gingrich once complained, "the bureaucracy has tried to put folks like Freddie out of business because they don't have Ph.D.s or can't fill out the paperwork."

The Speaker of the House was referring to Freddie Garcia, a drug-addict-turned-preacher-turned-miracle-worker in San Antonio, Texas. For 30 years, Garcia has been saving the lives of addicts. He says that 70 percent of the men and women addicted to alcohol, heroin, and crack who pass through his faith-based Victory Fellowship rehabilitation centers triumph over their addictions. Garcia doesn't take a dime of government funding. And no, he doesn't have a Ph.D., but he does have plenty of paperwork. For that, he can thank Henry Cisneros, the secretary of housing and urban development (HUD).

Garcia and Cisneros are old friends. In 1984, when he was the mayor of San Antonio, Cisneros named Garcia a "benefactor of the community." Garcia, he proclaimed, "set the best example possible that a love of God and a firm belief in one's own self-worth can work wonders." Garcia has worked some of these wonders in Cisneros's current bureaucratic stomping grounds: San Antonio's public-housing projects.

In addition to its Victory Home residential drug-treatment centers, Victory Fellowship has for seven years operated a "drop-in" center to provide counseling for addicts, mediation for gang members, and a safe place after school for kids. In return, the group has asked for—and received—nothing from the government.

But something happened earlier this year to change this happy relationship. In January, Garcia's operation in San Antonio received a visit from Republican congressmen J.C. Watts and James Talent, the co-authors of the Community Renewal Project Act, which would remove barriers to individual opportunity in poor, inner-city neighborhoods. As a result of their visit, the local paper trumpeted Garcia's success as a model for private, faith-based service providers.

Suddenly, Victory Fellowship appeared on the bureaucratic radar screen. Less than a month later, the San Antonio housing authority, acting in accordance with HUD requirements, presented Garcia and his volunteers with a list of conditions for remaining in the housing projects. Effective May 1, the housing authority demanded that Victory Fellowship pay $5,000 a year in rent and buy a costly insurance policy to insure itself *and* the housing authority against liability and bodily injury claims, all for the privilege of providing a free service. In addition, the authority asked for more than 40 pieces of documentation, including a "description of the target population," an explanation of "the appropriateness of services and activities for the target population in terms of age, socioeconomic level, language and ethnicity/cultural background," and a detailed budget with funding sources and expenditures.

While claiming to be acting in the best interests of its residents, the housing authority's HUD-mandated regulations threaten to drive Freddie Garcia and others like him out of public housing. Garcia's is a shoestring operation, staffed by local residents, some of whom are graduates of the drug rehabilitation program. After 30 years of service, Victory Fellowship has won the community's support, but money's still tight. It needs volunteers to serve as cooks, baby sitters, mediators, and drug and alcohol counselors, and relies heavily on local churches, businesses, neighborhood groups, and residents. The group has neither time nor inclination to do paperwork.

If the housing bureaucrats don't understand Freddie Garcia, plenty of other folks do. Victory Fellowship has established strong relationships with 65 churches in Texas, New Mexico, Cali-

Photo courtesy of Victory Fellowship

Freddie Garcia offers addicts what government can't—spiritual transformation.

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fornia, and abroad, with a nearly equal number of Victory Home residential drug-treatment programs. In all, 13,000 men and women so far have found sobriety and spiritual awakening through Victory Fellowship.

Garcia estimates his costs per individual at about $25 to $30 a day, or less than $11,000 per year. By comparison, a treatment expert at a congressional drug summit in 1993 estimated the annual per-person costs of typical residential drug-treatment programs to be between $17,000 and $22,000. Government officials and bureaucratic-state elites, however, pay little attention to Garcia's success.

When Garcia tried to advertise Victory Home as a "rehabilitation center" a couple of years ago, alarms rang in the state social-service bureaucracy. Either apply for a state drug-rehab license, the agency said, or advertise as a church. But for Garcia, the imprimatur of the state came at a high cost: hiring state-licensed counselors. He refused. "My people have educations you can't get at Yale University," he told the *Houston Chronicle.*

Such attitudes don't sit well with the conservators of the nanny state. They have long regarded Garcia's faith-based approach with barely concealed contempt, viewing it as an affront—not to mention a threat—to their secular therapeutic mission. "I'm not one to say God's not in the miracle business," John Cook of the Texas Commission on Alcohol and Drug Abuse told the *Chronicle.* "But addiction is not a moral issue. It's a disease."

Garcia challenges the medical model of addiction head-on. Where government looks to psychology or environment to explain drug addiction, Garcia looks to the spirit: Treat that, and the body and the mind will follow. "We believe that sin is the reason why people take drugs," Garcia told the Senate Labor Committee last year. "We believe that drug addiction is a spiritual problem, and that Jesus Christ is the solution."

The bureaucracy has backed off a bit, thanks to Garcia's history of service in San Antonio and to the efforts of Robert L. Woodson Sr. of the National Center for Neighborhood Enterprise, in Washington, D.C., who has long championed the interests of community-based and faith-based groups like Victory Fellowship. Secretary Cisneros, perhaps remembering his words of commendation when he was Mayor Cisneros, recently told Garcia that he will not have to pay rent after all. But all the other requirements remain in place.

A drug-treatment program that survives on a shoestring budget was transforming lives in San Antonio's projects—until HUD got wind of it.

Cisneros would do well to heed Gingrich's advice and study Victory Fellowship rather than attempt to regulate it out of existence. If he bothered to look, Cisneros would see that Garcia provides a service even more valuable to the residents of San Antonio's public-housing projects than rehabilitation—he offers spiritual transformation.

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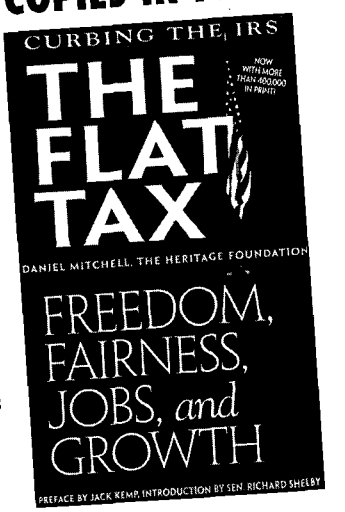
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Laboratories of Democracy

The Untold Triumph of Concealed-Carry Permits

by David Kopel

David Kopel is the research director of the Independence Institute, in Golden, Colorado.

In recent years, the debate over gun policy has been dominated by two federal initiatives: the Brady bill's waiting period for the purchase of handguns and the ban on so-called assault weapons. While these federal issues have riveted the nation's attention, however, a quiet revolution in gun policy has spread throughout the states.

Ten years ago, only a half-dozen states routinely issued permits for trained citizens to carry concealed handguns for personal protection. Most states gave police departments wide latitude to issue such permits, which were rarely given to persons other than retired police officers and people with political connections. Today, however, 30 states comprising half the nation's population grant concealed-carry permits to law-abiding citizens. In the long run, this movement will be far more significant than either the Brady waiting period (which expires in 1998) or the ban on certain semiautomatics (which expires in 2004).

This movement began in the early 1980s, when gun-rights activists in Florida joined with law-enforcement lobbies such as the Florida Chiefs of Police Association to reform the state's handgun law. They proposed legislation that entitled any citizen who clears a fingerprint-based background check and passes gun-safety classes to receive a permit to carry a concealed handgun for protection.

Although the legislature passed the concealed-carry bill several times, it was vetoed repeatedly by Democratic governor Bob Graham. But his successor, Republican governor Bob Martinez, signed the bill in 1987. Since then, a steady progression of states has adopted concealed-carry laws modeled on Florida's, and more are likely to follow.

Whenever a state legislature first considers a concealed-carry bill, opponents typically warn of horrible consequences: Permit holders will slaughter each other in traffic disputes, while would-be Rambos shoot bystanders in incompetent attempts to thwart crime. But within a year of passage, the issue usually drops off the news media's radar screen, while gun-control advocates in the legislature conclude that the law wasn't so bad after all.

In some respects, the concealed-carry movement has become a women's issue. In fact, about a quarter of those who apply for and receive carry permits are women. When Alaska governor Walter Hickel signed concealed-carry legislation in 1993, he explained that the constituents he found most compelling were "the women who called and said they worked late and had to cross dark parking lots, and why couldn't they carry a concealed gun?"

Leading advocates for concealed-carry laws include female victims of crime such as Suzanna Gratia Hupp, whose parents were murdered five years ago in a mass killing in Killeen, Texas; Rebecca John Wyatt, the founder of Safety for Women and Responsible Motherhood; and Marion Hammer, the new president of the National Rifle Association and an activist in the Florida concealed-carry debate. Hammer once brandished her handgun to ward off a gang of would-be robbers.

Has this movement toward concealed-carry laws made America safer or more dangerous? In an article for the *Tennessee Law Review*, historian Clayton Cramer and I examined homicide rates in states that had adopted concealed-carry laws, adjusted for the effects of national homicide trends. In all but one state we examined, homicide rates did not appear to change as a result of the laws. We saw fluctuations, of course, but nothing out of the ordinary.

The lone exception was Florida, where the murder rate started an immediate, steady decline. Before the law, Floridians were about 36 percent more likely to be murdered than other Americans; after a few years, the Florida rate was equal to or slightly less than the national rate. As for other violent crimes, Florida was the worst state in the nation both before and after the new law. Florida's overall violent-crime rate, however, rose much more slowly since 1987 than did the national violent-crime rate.

We also examined violent-crime data in California, where permit policies vary widely by county. Counties that issue permits liberally had lower violent-crime rates than counties with restrictive policies; restrictive counties had lower rates than counties with prohibitive policies. A graduate student at Southwest Texas State University compared states that adopted concealed-carry laws with demographically similar states that did not. This study found strong support for the hypothesis that concealed-carry laws reduce the homicide rate, and weak (but still positive) support for a reduction in robbery and serious assault.

Thirty states now permit trained, law-abiding citizens to carry a concealed handgun for personal protection.

Advocates of gun-control advocates sometimes cite a 1995 study of concealed-carry policies by three researchers from the University of Maryland. The study looked at five urban areas and found that in four of them, the handgun homicide rate rose after a concealed-carry law had been enacted. But David McDowall, one of the authors, says that the small set of data limits the conclusions to be drawn from

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the study. He also states that there is no evidence permit holders commit crimes. The study is a classic illustration of how changing the parameters of a "before-and-after" analysis can change the results. For each city, McDowall and his colleagues averaged the yearly crime rates from 1973 until the year before the law went into effect, and compared that figure to the average rate of all subsequent years. If, instead, we compare the year before the law went into effect with the most recent year for which we have complete data (1994), then the homicide rate declined in three of the five cities.

Many holders of permits to carry a weapon know that providing for one's own safety is a personal duty.

All of the research about concealed-carry laws has been eclipsed by a comprehensive study by University of Chicago law professor John Lott, with graduate student David Mustard. Examining crime data for 3,054 counties, Lott and Mustard found that while concealed-carry reform had little effect in rural counties, in urban counties reform was followed by a substantial reduction in homicide and other violent crimes such as robbery. At the same time, there was a statistically significant rise in nonconfrontational property crimes, such as larceny and car theft. Apparently many criminals concluded that the risks of encountering a victim who could fight back had become too high.

Lott and Mustard estimated that if all states that did not have concealed carry laws in 1992 adopted such laws, there would be approximately 1,800 fewer murders and 3,000 fewer rapes annually. Thus the adoption or improvement of concealed carry laws in more than a dozen states since 1992 may be one of several causes for the current decline in murder rates.

Of course, data alone cannot measure the benefits of concealed-carry reform. If a gun permit helps a woman feel safe enough to go jogging, her increased sense of security is an important social benefit—even if she never has to draw a gun. If she does encounter a criminal, the chances are small that she will actually have to fire, and less than 1 percent that he will take the gun away. In the most thorough study ever done on this subject, Florida State University criminologist Gary Kleck found that most instances of a citizen drawing a gun in self-defense end with the assailant simply retreating.

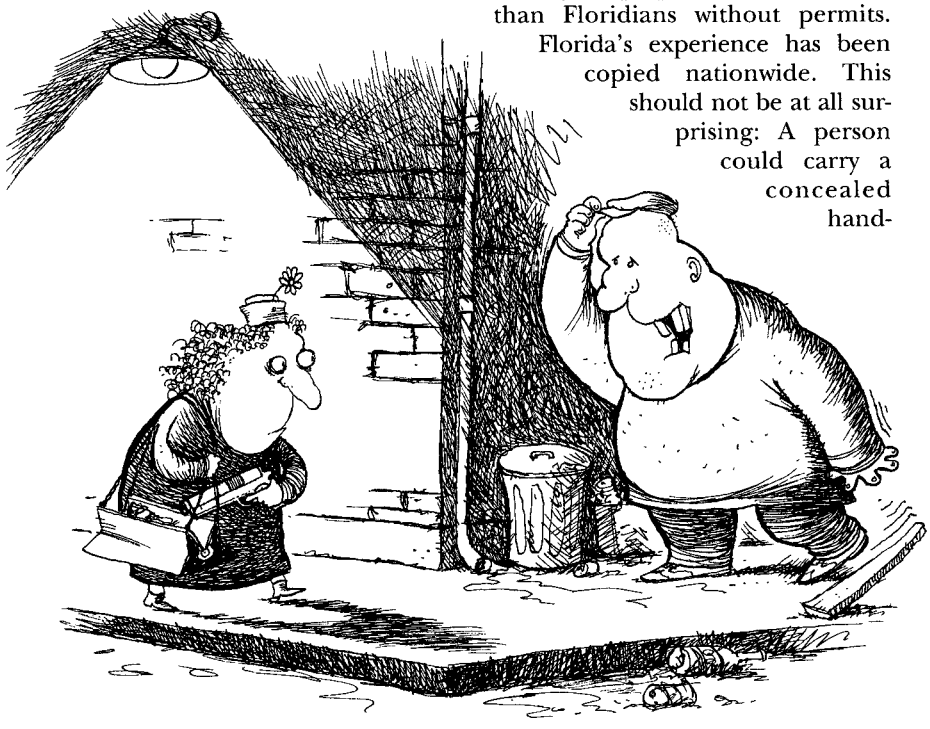
Although solid proof of the effect of concealed-carry laws in reducing violent crime is relatively recent, it has long been clear that they do not threaten public safety. The most detailed information we have about the behavior of such permit holders comes from Dade County, Florida.

When Florida's law went into effect, Miami's police chief ordered his officers to compile detailed reports of all police encounters with permit holders. In Miami, the number of permits increased from 1,200 in September 1987 to 21,092 in August 1992, when the police department decided that the behavior of permit holders did not merit further study. In five years, permit holders were convicted in these instances of criminal misuse of a firearm: two cases of aggravated assault involving a firearm, one case of armed trespass, and one case of a motorist shooting at another driver. In addition, one permit holder unthinkingly attempted to enter the secure area at Miami's airport with a firearm in her purse, and another accidentally shot himself in the leg.

The Dade County police also recorded the following incidents involving defensive use of licensed concealed firearms: two robbery cases in which the permit holder produced a firearm and the robbers fled; two cases involving permit holders who intervened to attempt to stop a robbery, but the robbers were not apprehended (and no one else was hurt); one robbery victim whose gun was seized by the robber; a man who shot a pit bull that was attacking him; two cases of a citizen capturing a burglar; three cases of a burglar who was frightened off but not captured; one case of thwarted rape; and a bail bondsman who fired two shots at a fleeing bail-jumper wanted for armed robbery. There were no reports of permit holders shooting innocent people by accident.

In Florida as a whole, 315,000 permits had been issued by December 31, 1995. Only five had been revoked because the permit holder committed a violent crime with a gun.

Permit holders are not angels, but they are an unusually law-abiding collection of citizens. In Florida, for example, permit holders are about 300 times less likely to perpetrate a gun crime than Floridians without permits. Florida's experience has been copied nationwide. This should not be at all surprising: A person could carry a concealed hand-



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gun without a permit and, unless he gives himself away by committing some other offense, he would never be caught. Hence permit applicants tend to be those citizens willing to pay a large fee (usually more than $100) to comply with a law they could probably break with impunity.

Although 1 to 4 percent of the adult population exercises the freedom to carry a handgun for protection, a much larger group believes they should have such a choice. Polls usually show that one-half to two-thirds of the population supports concealed-carry laws. Higher rates are reported when respondents are informed about the various restrictions—such as training requirements—typically included in concealed-carry laws. These laws appeal to citizens who object neither to gun ownership nor to the use of force in self-defense, yet welcome moderate regulation to screen out undesirables.

Similarly, law-enforcement organizations in many states have supported concealed-carry laws. In Colorado, 53 of the state's 63 sheriffs voluntarily issue carry permits to citizens who pass a background check—even in liberal Boulder County. As these peace officers recognize, the government cannot in practice guarantee the safety of citizens in their daily lives. Therefore government must not prevent a responsible, trained individual from seeking to protect herself.

The concealed-carry movement is based on the principle that responsible citizens should not expect government to provide them with the essentials of life. Providing for the safety of one's self and one's family is first of all a personal duty.

Of course, everyone is a potential beneficiary of concealed-carry reform. Since criminals do not know which of their potential victims may be armed, even persons without carry permits would enjoy increased safety from any deterrent effect. Moreover, a *Psychology Today* study of "good Samaritans" who came to the aid of violent-crime victims found that 81 percent were gun owners, and many of them carried guns in their cars or on their persons.

Concealed-carry reform is no panacea for the high rates of crime in this nation, but it will be an important component of an anticrime strategy based on the right and duty of good citizens to take responsibility for public safety.

Citizen Initiatives Fertilize the Grass Roots

There may be no better barometer of citizen involvement in politics than ballot initiatives, and this year's bountiful crop suggests that activism at the state level is surging. Grass-roots conservative activists are not waiting for the Republican Congress to take up their causes. From school choice to tax cuts to affirmative action, ballot issues backed by conservatives seem to outnumber liberal causes for the first time in recent elections.

Initiatives reach state ballots after aroused citizens surmount an obstacle course of petition requirements, filing deadlines, and occasional court or legislative challenges. Designed to amend state constitutions or enact statutory law, they allow disaffected voters in the 24 states that permit them to vent their frustrations and allow activists to force reforms past unwilling legislators.

From 1981 through 1992, according to the Council of State Governments, 346 initiatives appeared on state ballots—more than in the previous 40 years. Eighty-eight more were put before voters in 1994. By early May of this year, 26 initiatives had qualified for the ballot of November 5, 1996, while petitions were still circulating on behalf of about 300 others. In the end, only a small fraction will actually make it onto the ballot. This year's proposals tackle some of the most contentious issues in American politics:

Affirmative action. Kolt Z. Jones, an expert on initiatives at Americans for Tax Reform, says that all points of the spectrum are represented by this year's initiatives. Liberals back measures to raise minimum wages in several states and to limit campaign spending; conservatives are pushing term limits, supermajority requirements for tax hikes, charter schools, and school vouchers. But "the mother of them all," he says, is the California Civil Rights Initiative (CCRI).

CCRI would ban the state from discriminating against or granting preferential treatment to any individual on the basis of race, sex, or ethnicity in public employment, public education, or public contracting. It would effectively end affirmative action in California state government. Passage of the initiative, says Brian T. Kennedy of the Claremont Institute's Sacramento office, "would be more than a first step in rolling back affirmative action across America, it would be a giant leap in that direction." Similar initiatives to prohibit racial discrimination are circulating in Florida, Michigan, Oregon, and Washington, but the fate of CCRI could decide the course of the movement to roll back racial and gender preferences.

Although polls have consistently shown strong support for the initiative, millions of dollars in attack ads may narrow the margin between now and November. Still, a strong antiquotas measure on the ballot cannot be good for Bill Clinton. Says Katherine Post of the Pacific Research Institute in San Francisco, "The California Civil Rights Initiative poses a big problem for the president, who has hedged on the issue of preference programs with a 'mend, don't end' policy. California is critical to the Clinton re-election strategy and if the president comes out on the popular side of the issue, he would alienate core constituencies of his own party everywhere." (For more information, contact the Claremont Institute at 909-621-6825, or the Pacific Research Institute at 415-989-0833. Also, see "Smart Women, Foolish Quotas," by Sally C. Pipes and Michael Lynch, page 30.)

Political reform. Two of the four initiatives that have qualified for the California ballot so far would cap contributions to political campaigns. The one backed by Common Cause would

by Lawrence W. Reed

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put stiff limits on personal contributions to local and state campaigns. Observers think the limits are so low that they would virtually end TV campaign ads in California. The other measure, pushed by Naderite groups, contains similar restrictions with a loophole that would permit unions to get around the limits.

On the conservative side of political reform, the term-limits juggernaut has put initiatives on the ballot in Wyoming and Maine, while other measures still need signatures to qualify in Alaska, Florida, and Nevada. At least 22 states have already enacted term limits for state and/or federal officeholders, all but one through citizen initiatives. (For more information, contact Citizens for Term Limits at 703-421-8635 or U.S. Term Limits at 202-393-6440.)

Minimum wage. The drive in Congress to raise the federal minimum wage to $5.15 an hour parallels a similar effort at the state level. Most economists agree that no legislature can make a person worth a certain amount by making it illegal to pay him less. One suspects that organized labor is more interested in attracting Democratic voters to the polls than in helping the downtrodden worker.

An initiative to raise the statewide minimum wage in California may qualify for the ballot. This proposal would hike the minimum wage to $5 in 1997 and to $5.75 a year later. The main sponsor, not surprisingly, is the AFL-CIO. A ballot measure in the District of Columbia, if approved, would raise the minimum to $6.75 over three years. A similar initiative in Oregon would boost the state's minimum wage from $4.75 to $6.50.

The preamble to the Oregon initiative touts the measure this way: "[T]o increase economic independence, to reduce the need for public benefits, to enable families to raise their children in dignity, to increase meaningful employment, to increase the purchasing power of low-income citizens, and thereby expand the tax base, Oregon law is revised to create a more livable minimum wage." Says Steve Buckstein of the Cascade Policy Institute, in Portland, "Makes you wonder why they didn't raise the minimum to $20 or even $50 per hour. The workers' paradise is just one election away!" (For information about these initiatives, contact the Cascade Policy Institute at 503-242-0900.)

Tax reform and property rights. This year activists are pushing dozens of initiatives to limit or abolish taxes. Nevadans and Floridians will vote on whether to require a two-thirds "supermajority" vote in the legislature to raise taxes, and similar proposals are circulating in Arizona and Ohio. Proposed initiatives in Arkansas, California, Florida, Michigan, and Missouri would require voter approval, in some cases by a supermajority, of tax increases. Petitions to reform or eliminate property taxes are circulating in at least 10 states.

Florida may get a chance to vote on a measure that requires government to compensate property owners for state actions that harm property values. (For more information, contact Americans for Tax Reform at 202-785-0266.)

The fate of the California Civil Rights Initiative could determine the course of the movement to roll back quotas.

School choice. The country's hottest school-choice debate is likely to be in Washington state, where voters will face two initiatives that have riled the teacher unions. Jim and Fawn Spady, citizen reformers whose frustration with the public schools finally pushed them into political action, can take most of the credit for getting a charter-school proposal on the ballot. It would allow parents, teachers, or anyone else to organize an independent, deregulated, and publicly funded school, bypassing the local public-school bureaucracy.

Ron Taber, a candidate for state superintendent of schools, led the effort to put a voucher plan before voters. His plan would give parents a voucher worth $3,400 for each school-age child that parents could use at any public or private school with space available.

Bill Baldwin, the president of the Washington Institute for Policy Studies, in Seattle, is optimistic about the proposals. "For the first time in memory," he says, "the people of our state are fed up enough with the WEA [Washington Education Association] to pass one or both of these initiatives. If that happens, we'll break the monopoly grip of both the WEA and the Olympia bureaucracy on our children's education." Petitions to put school-choice measures on the ballot are circulating in Arkansas, Arizona, California, and Florida. (For information, call the Washington Institute for Policy Studies at 206-938-6300.)

Parental rights. Colorado voters may be the first in the country to vote on a so-called parental-rights amendment, a state constitutional amendment guaranteeing that "the right of parents to direct the upbringing and education of their children shall not be infringed" by government action. This proposal is part of a movement, backed by the advocacy group Of the People, to counter unwanted government interference in such areas as sex education. (For more information, contact Of the People at 703-351-5051.)

Direct democracy. Initiatives themselves are under attack in Colorado, where voters will decide the fate of a referendum initiated in the legislature. It would stipulate that the state constitution could be amended only by a supermajority of 60 percent of the voters, rather than the current simple majority. In the view of Dennis Polhill of the Independence Institute, in Golden, the plan is to "take power out of the hands of the voters and thereby allow the general assembly, the courts, and the executive branch to operate without fear of citizen initiative."

This hostility of legislators toward initiatives is not confined to Colorado. In fact, it may be the rule. Twenty-six states do not permit them at all, and many legislators in the states that do regard them as an unwarranted end run around their own authority. Sometimes, legislatures stymie the implementation of initiatives passed by voters.

On the other hand, citizen initiatives have sometimes presaged nationwide movements in such issues as tax reform and term limits. State activists are currently circulating groundbreaking petitions that would allow public employees to avoid compulsory union membership, either grant or prohibit legal protections based on sexual orientation, and cap lawyers' contingency fees, among other things.

Americans for Tax Reform serves as a clearinghouse for information on state initiatives. Contact Kolt Z. Jones at 202-785-0266, or visit ATR's Web site at http://www. townhall.com/atr/1.html.

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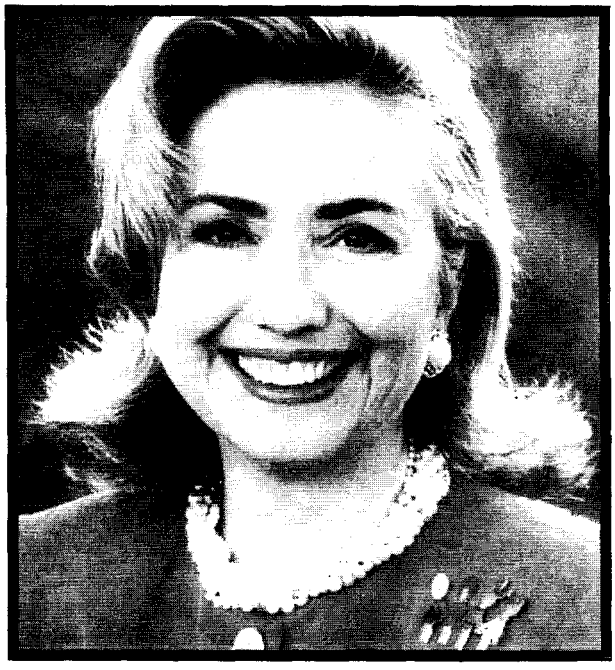
"There's no such thing as other people's children."*

– Hillary Rodham Clinton

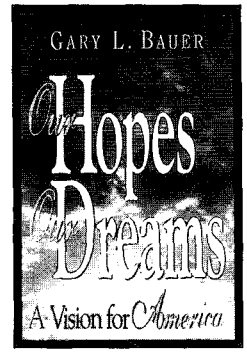


The first lady wants you to believe "it takes a village to raise a child." Gary Bauer wants you to know why the village can't replace Moms & Dads.

Mrs. Clinton actually believes *"there's no such thing as other peoples' children."* That's why her new book lays out ambitious plans for "the village" to raise America's children. She is determined to implement these and other plans through the power of the Federal government - radical plans that can only separate children from their parents:

- ✖ *"Children's Rights" to choose their own medical treatment, education, and entertainment, even without parental consent.*
- ✖ *Abortion-on-demand for minors through taxpayer-funded health care.*
- ✖ *Explicit sex education materials for all elementary school children.*

But Gary Bauer's book *Our Hopes, Our Dreams* is a pro-family alternative to the first lady's far-reaching plans. *Our Hopes, Our Dreams* is a positive vision for America's children. It's based on self-reliant families who don't need the counterfeit authority of the global "village," *or* the approval of government bureaucrats, to make the vital decisions in their lives.



This pivotal debate on the family will determine the future of how you will be allowed to raise your children. *Our Hopes, Our Dreams* outlines the issues and offers practical steps to ensure that the right to raise your family stays where it belongs - at home with you.

Order your copy today, then share this pro-family vision with your friends and neighbors, your co-workers, local libraries and church groups.

$3.99 *Suggested donation* | *To order, call Family Research Council, or visit your local Christian bookstore*

* *Newsweek, January 15, 1996*

1-800-225-4008

Family Research Council 700 Thirteenth Street NW, Suite 500, Washington, D.C. 20005 Gary L. Bauer, President

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Blessings of Liberty

AN APPRECIATION OF ECONOMIC FREEDOM

How Business Delivers the Good

By anyone's definition, Jerome Lemelson is a great philanthropist. Lemelson has donated tens of millions of dollars over the years to organizations ranging from the Massachusetts Institute of Technology to local charities across the country. He has devoted much of his philanthropy to extolling the virtues of technological innovation. He has given millions of dollars to universities and the Smithsonian Institution, in Washington, D.C., to create programs to teach and promote invention. The first annual Lemelson–MIT Prize (a $500,000 "Nobel" of sorts for American inventors) was awarded in 1995. At his death, his foundation is expected to be worth at least $300 million.

The impact of commercial innovation on society far outweighs the benefits of government policies or corporate charity.

By honoring invention, Lemelson's philanthropy merely reflects his life's work. Jerome Lemelson holds more patents than any living person. Since 1949, when he created a typewriter eraser as an undergraduate project at New York University, Lemelson has patented some five hundred inventions, from video telephones, audiocassette players, and videocassette recorders to spark plugs, ice skates, and Silly Putty.

We associate inventors with gadgets and "gee whiz" discoveries to such an extent that we often forget how important their innovations are to daily life. No matter how hard Lemelson tries, the value of his charitable work could not possibly match the value of his contributions to American society as an innovator and entrepreneur.

Take just one of his inventions, an automated system for reading bar-code labels. Without this seemingly modest technology, which Lemelson helped pioneer, much of modern industry simply would not exist. Manufacturers such as automakers and computer companies rely on bar codes to track the flow of parts in factories and the movement of finished goods in the distribution chain. Most Americans encounter bar codes every day in retail stores, where their use speeds up checkout lines and reduces errors.

Such information helps firms adjust production and distribution to the changing desires of consumers. This commonplace technology supplies new retailers with daily information about consumer demand and inventories, allowing them to cut prices, increase product offerings, and serve customers better. Wal-Mart, Toys 'R' Us, Blockbuster, and Home Depot all owe part of their success to the revolutionary impact of bar-code readers. Measuring the value that the bar code has added to the economy would be virtually impossible, but it must be billions of dollars, at least. Lemelson's praiseworthy philanthropic activities pale by comparison.

Lemelson understands the social value of entrepreneurship. "Innovation and invention have helped build the greatest industrial economy the world has ever known," he once told *Entrepreneur* magazine. "But inventors have always been left on their own. My goal is to make Americans more conscious of innovation." Meanwhile, however, the debate over the responsibility of business to society will continue to focus on noncommercial activities deemed socially beneficial, rather than on what firms actually make and sell.

So Vermont-based Ben & Jerry's Ice Cream is regarded by many as the prototype of a "socially responsible" corporation because it gives away 7.5 percent of its profits to charity (the average for U.S. corporations is a little over 1 percent), limits the salaries of its top executives, and conspicuously supports social causes. Yet its main enterprise is making and selling premium ice cream, a luxury good (unlike rice or shoes or electric power) that, one could say, harms the health of many Americans by filling their bellies with fat and sugar.

Most businesses exist to make or sell things, not to engage in political or social commentary, act as a philanthropic foundation, or even, it should be noted, to employ people. Focusing solely on the *means* by which businesses carry out their basic mission—such as their employment practices, their participation in community or cultural life, or their waste management—distracts us from the benefits that businesses confer on society. To satisfy the ever-changing needs of consumers, successful firms must constantly invent new products, new services, new ways of doing business more efficiently. This they do better than other social institutions, such as governments or charities. And the impact of such innovations on our society is massive, often far exceeding the benefits of governmental or charitable action.

Of course, journalists and politicians thrive on bad news. They continue, for example, to decry the inequality of men and women in the workplace, and blast American companies for unfair hiring and compensation practices. Yet business innovation historically has helped liberate American women. Technological advances have promoted greater equity in pay by reducing the value of physical strength and increasing the value of mental acuity and social skills, which are distributed more evenly between men and women. At the

by John Hood

John Hood, a 1994-95 Bradley Fellow at The Heritage Foundation, is the president of the John Locke Foundation, in Raleigh, North Carolina. His book, The Heroic Enterprise: Business and the Common Good, *was published in June by the Free Press.*

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same time, labor-saving devices in the home have given married women more freedom to pursue education and employment.

Similarly, automation and computers have improved workplace safety far more than has government regulation or union activists. Computers allow employers to track accidents carefully and devise solutions to systemic problems. More generally, it now takes fewer employees to manufacture goods in America—and that means fewer chances for injuries, illnesses, and accidental deaths as more workers move into services.

Advocates of "corporate social responsibility" spend a lot of time talking about what they perceive to be the wasteful or destructive properties of goods and services, while ignoring their value to consumers. They can applaud Ben & Jerry's or the Body Shop as exemplars of responsibility, because ice cream and cosmetics do little "damage to the ecosystem." On the other hand, they rarely save lives, alleviate pain, or feed the hungry.

Critics of free enterprise denigrate plastic for being nonbiodegradable and polluting. Yet plastic is the essential ingredient of many of the products and services that make our standard of living possible, such as medical devices, telecommunications, wastewater treatment, transportation, safe and tasty food, and computers.

Even where activists concentrate their attention—such as the relationship between employers and employees—they get the story wrong. They allege that in the absence of government regulation or a sense of responsibility beyond the profit motive, companies will inevitably mistreat their workers. But in most American workplaces today, employers are constantly mindful of the well-being of employees. If workers are not competent, healthy, and motivated, businesses will fail.

Social-responsibility analysts usually employ flawed measurements of responsibility. They gauge the fairness of employment decisions by whether a firm's work force reflects the racial and gender composition of the surrounding community, not by whether the firm actually discriminates unfairly. They measure responsibility towards families by the number of workers covered by company health insurance, or by the presence of on-site day care. But in many cases, such benefits are not worth as much to an employee as are higher wages, flexible benefits plans that allow workers to choose the nonwage compensation most valuable to them, or the freedom to work part time rather than full time.

Doing Well, Doing Good

On a more fundamental level, social-responsibility activists barely understand how the search for economic return on investment can motivate companies to "do good." When downsizing, for example, it is almost always in the interest of companies to treat their workers with respect and to help them find new jobs. For one thing, layoffs affect not only workers being let go, but also those who remain. Retained employees watch how their former coworkers are treated and wonder what will happen to their own livelihood.

What's "socially responsible"—raising productivity or satisfying a sweet tooth?

Jerome Lemelson, philanthropist and inventor of the bar-code reader (above); Ben and Jerry, of ice cream fame.

Poorly handled layoffs can cripple employee morale and so hurt productivity. After the breakup of the Bell System in 1984, AT&T was forced to reduce its work force by more than 100,000 employees. To head off morale problems, the company created a "safe landing" program to help laid-off workers find other jobs.

Also, firms can save money in severance payments by getting their former workers re-employed. One study by Washington State University professor Duane E. Leigh found that job-search assistance was an effective tool for re-employing people, because it "allows for quick intervention before workers disperse after layoffs and plant closings; and, given their modest cost per worker, the evidence suggests that [job-search] services are cost-effective" by reducing severance and unemployment insurance costs. Health One Corp. discovered this after deciding to close Metropolitan–Mount Sinai Medical Center, in Minneapolis, Minnesota. Instead of just handing pink slips to 1,200 employees, the company found jobs for 90 percent of them. Health One actually saved more in unemployment and severance expenses than the $500,000 it spent on job training and placement.

The corporate social-responsibility movement harbors an unrealistic, ahistorical view of commercial activity. Critics of corporations zero in on the Exxon Valdez oil spill or the Bhopal chemical-plant disaster because they are well known. All too often, we take for granted what goes right and dwell on disasters and villains—which are notable precisely because they are exceptional. The revolutionary ways in which corporations have improved the everyday lives of Americans over the past half-century are rarely recognized.

In our search for heroes, we lionize political leaders or military commanders or make-believe TV characters. Yet the real heroes of our age are the innovators who raise our standard of living and overcome the fundamental problems of humanity. It's a pity that, with few exceptions, those who create the amenities we enjoy and the innovations that make our lives safer, healthier, and happier toil in relative obscurity.

Photos courtesy of Ben & Jerry's and the Lemelson Center, Smithsonian Institution.

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Home Front

Make Way for Mom, Inc.

by Charmaine Crouse Yoest

Charmaine Crouse Yoest is a contributing editor of Policy Review: The Journal of American Citizenship *and the co-author of* Mother in the Middle: Searching for Peace in the Mommy Wars *(HarperCollins/Zondervan).*

Wendelyn Martz has lived on both sides of the mommy wars. An urban planner in Upper Marlboro, Maryland, she had always intended to pursue her career. She took a leave of three months after the birth of her son; five weeks after her daughter was born, she raced back to work to finish a high-profile project.

Slowly she began to burn out. Her husband was working long hours, so all the duties at home landed upon her shoulders. Something had to give. "I thought, 'This is not right. I'm cheating someone and I'm probably cheating everyone,'" she says. "I needed to be home." Finally she resigned.

Nevertheless, she loved her work and wanted to continue her professional interests. "I need work outside of my family," she says. "My whole world cannot be successfully reduced to just taking care of my children. I'm trying to find that middle ground."

A few years ago, Martz and a partner started a home-based business designing and marketing greeting cards. Sales took off, her husband began providing his marketing expertise, and today her Pathway Art can be found in every corner of the country, from the Borders Books chain to the John F. Kennedy Center for the Performing Arts, in Washington, D.C. Her son, age six, even helps assemble orders and offers editorial comment on new designs.

Martz's story is becoming increasingly familiar. A growing number of career women are leaving established companies to start their own. Aided by the tools of the Information Revolution—computers, modems, and fax machines—many women with young children are becoming entrepreneurs by establishing home-based businesses.

According to the National Foundation for Women Business Owners, U.S. women own 3.5 million home-based businesses. Additionally, they provide full-time or part-time employment for an estimated 14 million people. Martz and her peers are joining an impressive group: Mrs. Field's Cookies, Estée Lauder Cosmetics, Lane Bryant, Stairmaster, even Steinway pianos, all started as home-based businesses. Kim Hackett, the executive director of the Women's Home Business Network, says that information and computer-based businesses such as desktop publishing, graphic design, free-lance writing, and consulting are among the most successful such businesses. But women are finding that their skills as lawyers, accountants, real-estate agents, and public-relations professionals also translate well to businesses based at home.

What's driving this wave of women entrepreneurs? For the first time in our history, the majority of babies less than a year old have mothers in the paid work force. In fact, the fastest-growing segment of mothers in the work force are precisely the ones with the greatest child-care responsibilities—those with children under six years of age. Since 1960, these mothers have *tripled* their work force participation.

The efforts of women to juggle babies and briefcases exact a stiff price: A recent issue of *Parents* magazine concluded that, among mothers, "emotional conflict is epidemic." In a startling reader survey of 18,000 women, the magazine discovered that only 4 percent of respondents would choose full-time employment if they could do "whatever they wished."

What do women really want? Most

Illustration by David Clark

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want flexibility: 61 percent of the women said they would choose part-time work if they could. Similarly, a 1995 poll of 3,000 women done by Roper Starch found that 43 percent of employed women with children would prefer to stay home. Another poll found that 87 percent of women want to spend more time caring for their children.

Meanwhile, the discussion of women and workplace issues in the women's movement and in the public-policy realm remains focused on the "glass ceiling." Women call for flexibility in employment and more time with their children while the public debate centers on day care. Even the Republican-dominated National Governors' Association favors more federal spending on day care.

But the real working woman appears to be voting with her feet. According to *Fortune* magazine, "The generation of women that blazed new trails into the corporate suites is, evidently, blazing its own trails out." In 1995, *Fortune* surveyed three hundred executive women and found that 87 percent said they had made or were considering making a major change in their lives.

Home-grown entrepreneurship offers many women a way to honor their commitment to family while pursuing professional challenges. This entrepreneurial spirit has allowed some women to regain control of their lives; home-based work supplies the flexibility missing in the formal workplace. Technology and the economic dynamism of the 21st century will make home businesses a more attractive option for millions of American women.

Making a Home Business Work

1. Keep regular hours. First, your own productivity will benefit from maintaining structure in your life. Second, it helps if your customers, clients, and colleagues know when they can regularly reach you. (And third: some people will need to limit their work.)

2. Hire a baby sitter. Main benefit to being home: being with your kids. Big obstacle to productivity: being with your kids. It can be done without a baby sitter and, after all, the point is to see them more than you would working away from home. But most people should plan to use some kind of baby-sitting. A home-based career offers lots of creative opportunities: Some moms have arranged baby-sitting co-ops in their communities. Many churches have pre-school or "mom's mornings out" programs.

3. Be professional. There's nothing like trading the perks of an office and an expense account for baby spit-up and dirty dishes to undermine a professional attitude. And our society sends not-so-subtle messages that moms and home are not cutting edge. Don't buy it. A professional image is critical and begins with inner confidence. Authors Paul and Sarah Edwards say that "being taken seriously" is the one of biggest challenges for home-based workers. The antidote is careful professionalism.

4. Network, network, network. Other challenges for the home-based worker are marketing, becoming out-of-touch, and personal isolation. These are disparate problems; the answer to all three is the same: use networking to help identify your home-based business or job . . . and then don't stop. Keep in touch with former colleagues. Drop notes. Do lunch. One mother who downshifted her career began giving dinner parties to maintain contacts; she's still in the loop and in demand.

5. Measure twice, cut once. One size does not fit all when it comes to work/family arrangements. Home-based businesses are not for everyone: it's wise to "count the cost" before beginning. Run with your talents, and recognize your limitations; if you are a people person who needs structure, a home-based situation might not be for you. And, although professions such as desktop publishing are suited to home-based operations, others are not.

It is tempting to whitewash the sacrifices involved in switching gears in your career, but there are no easy answers to the work/family dilemma. Facing that reality squarely raises your chances of success by allowing you to focus on the rich rewards of working at home, rather than on the opportunities left behind.

The Taxman Cometh

Public policy threatens to stifle the vigor and creativity of the small home-based entrepreneur. "Consider the tax code," says Dianne Floyd Sutton, of the National Association for the Self-Employed. "It stands like King Canute, commanding the waves of modernization to recede."

The IRS greets the home-based worker with downright hostility and discrimination. Start with the home-office deduction. At the first national conference on home-based business, in 1994, an IRS representative commented in a workshop that "everyone who took a home-office deduction in 1993 is red-flagged for an audit." Here's the problem: To deduct the expenses of a home office, tax expert J.K. Lasser explains, you "must be able to prove that you use the home area *exclusively* and on a regular basis" for one of two reasons—either as a place of business to meet with customers in the normal course of your business, or as your "principal place of business."

The IRS interpretation of this law has been exceptionally stringent. Lasser points out that one woman who ran a roadside stand selling home-prepared items a mile from her home was not allowed to deduct her home-office expenses, because the IRS ruled that the stand was her principal place of business. In a similar case, a challenge to that interpretation reached the U.S. Supreme Court. In 1993, the Court ruled that a deduction is not allowable when the home office is used only for administrative purposes and not for seeing customers.

This ruling hits women especially hard. In a hearing before the Small Business Committee of the U.S. House of Representatives, Beverley Williams, the president of the American Association of Home-Based Businesses, testified that not allowing deductions for business owners who conduct business

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outside their home offices raises a safety issue. "Many women choose . . . to not receive their clients who are strangers into their homes," Williams said. "They should not be asked to compromise their safety or perception of safety for the sake of business deductions that other small businesses enjoy."

Other legal minutiae can bog down home-grown businesses:

• The "exclusive use" clause raises a hurdle for people caring for dependents, such as mothers with young children. An IRS auditor who found a diaper-changing table in a home office, for example, might disallow the deduction.

• Home-based businesses are caught between local zoning laws and IRS rules. Zoning laws sometimes preclude home-based business owners from meeting clients in their offices, thereby jeopardizing their deductions. But business owners who rent offices outside their home have no difficulty deducting these office expenses, even if they, too, always meet clients elsewhere. What justifies the disparity?

• IRS rules are murky in defining when a home-based business can claim "independent contractor" status. Senator Don Nickles of Oklahoma laments, "This distinction is determined by an arbitrary 20-part Internal Revenue Service common-law test. This inconsistent method has been the bane of small business owners who often face bankrupting penalties and taxation despite good-faith efforts to properly classify employees for tax purposes."

Over the last seven years, the IRS has reclassified 439,000 independent contractors as employees and collected more than $750 million in fines. Nickles and Senator Christopher Bond of Missouri have introduced the Independent Contractor Simplification Act of 1996 to reform tax rules in favor of home businesses. Representative Jon Christensen, a Republican from Nebraska, has introduced a similar bill in the House, collecting more than 200 cosponsors.

• Health-insurance costs are only partially deductible for home businesses. Author Paul Edwards, an expert in home-based businesses, points out that corporations may deduct 100 percent of health-care costs for their employees. Moreover, the health-care benefits are not counted as taxable income for the employees. But home-based firms can deduct only 30 percent of their health-care costs. President Clinton recently signed a bill increasing this deduction by 5 percent a year—but the increase will top out at 50 percent, maintaining the bias against home-based businesses.

Excerpts from *Mother in the Middle*

Part of the problem is that today home, work, and child rearing are separate, isolated endeavors, in a way they never were before. Prior to industrialization, children grew up in the midst of an adult world, with work happening all around them. As essential contributors to the day-to-day work and survival of the household, women were valued. Mothers and their children were not segregated off in their own shadowy world, separate and unequal, existing as mere reflections of the "real" work going on in the "real" world. . . .

Child care has become, in the world's eyes, a small thing. It's a harsh judgment to bring to daylight, but the underlying assumption is that women of real talent would be squandering their abilities to be "only" mothers. That judgment in turn is based on a value system that no longer values children. Motherhood is not valued simply because children are not. . . .

It wasn't always this way. When work, home, and child rearing were more integrated, children were also more integrated into the society. Children were a central feature of life, and as a result, entertainment and adult life were more child centered, even childish. Adult recreation did not always require a baby sitter, as it does now. All of life was more seamless . . . .

As we enter a new millennium, our generation has a historic opportunity to change our wage labor system—and yet the debate seems to be running down a tired old groove that holds no promise of real change for the mother in the middle. . . . Industrialization brought us the modern separation of home and work. But it also brought us unprecedented progress and prosperity. Perhaps technology can brings us back full circle. It's time to start a real revolution.

From *Mother in the Middle: Searching for Peace in the Mommy Wars*, by Deborah Shaw Lewis and Charmaine Crouse Yoest (HarperCollins/Zondervan).

Resources

The National Foundation for Women Business Owners (NFWBO). A clearinghouse for information on women-owned businesses; publishes a newsletter on women's business issues, conducts seminars, issues research reports, and facilitates networking. *Contact Sharon G. Hadary, the executive director, or Julie R. Weeks, the director of research, at 1100 Wayne Avenue, Suite 830, Silver Spring, Md. 20910-5603. Tel.: 301-495-4975, fax: 301-495-4979, e-mail: 73564.3214@compuserve.com.*

American Woman's Economic Development Corp. (AWED). A membership organization that provides training programs, networking seminars, business counseling, and technical assistance for women in business. *Write to 71 Vanderbilt Avenue, Suite 320, New York, N.Y. 10169. Tel.: 1-800-222-AWED.*

American Association of Home-Based Businesses. A membership organization supporting home-based businesses across the nation. Offers discounted long-distance service, legal services, and travel, and serves as a public-policy advocate in Washington. *Contact Beverley Williams, the president and founder, at P.O. Box 10023, Rockville, Md. 20849-0023. Tel.: 1-800-447-9710, fax: 301-963-7042.*

National Association for the Self-Employed. A membership organization with great information, an excellent newsletter, and aggressive advocacy on Capitol Hill. *Contact Jim Morrison at 1023 15th Street N.W., Suite 1200, Washington, D.C. 20005. Tel.: 202-466-2100.*

Working From Home: Everything You Need to Know About Living and Working Under the Same Roof, by Paul and Sarah Edwards (Tarcher/Putnam). This book has everything from the intricacies of zoning regulations to avoiding the siren song of the refrigerator. The authors also manage an interactive, online forum called "Working From Home" on CompuServe (under the "Professional" icon); America Online also has a forum (under the "Clubs and Interests" icon).

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One Nation Under God

Making Public Schools Safe for Religion

An educator persuades school districts to protect students' religious speech and reform secularized curricula.

Even in the lazy days of summer, when most schools are as noisy as a mausoleum, classrooms are rattling with the ghosts of First Amendment debates left unresolved: A parent sues a Mississippi school district for allowing prayers over the school intercom. A California high school prevents students from distributing invitations to a Bible study group. A school principal in Virginia bars a student from reading her Bible on a school bus.

Meanwhile, conservatives in Congress may soon unveil a religious-liberty amendment to the U.S. Constitution, as promised by House Speaker Newt Gingrich after the Republican victories in November 1994. One version of the bill, introduced by Representative Henry Hyde of Illinois, would not allow any government agency to "deny benefits or otherwise discriminate against any private person or group on account of religious expression." Supporters hope the bill's language will prevent educators from muzzling legitimate forms of religious speech—from class reports to lunchroom prayers.

But Charles Haynes, an authority on religion and education issues, isn't sanguine about adding a postscript to James Madison's historic formula for church-state relations. Although he laments a widespread failure to take religion seriously in the classroom, Haynes says a constitutional amendment isn't needed to protect religious expression. Despite some mistaken judicial rulings, he says, court interpretations of the First Amendment still permit private religious speech by students as well as classroom instruction about religion. "Let's try the Amendment we have before we add another one," he says. "I would argue that we still really haven't tried to make the First Amendment work."

Making the Amendment "work" first means educating parents and teachers about the forms of religious expression still permissible under state and federal court rulings. Haynes, a scholar at Vanderbilt University, collaborates with Oliver Thomas, an expert on church-state law who has taught at Georgetown University Law Center. Both played a role in getting religious and civil-liberties groups last year to sign a Joint Statement of Current Law, outlining wide freedoms for student-initiated speech (see sidebar, page 21).

But just because religious expression is legal does not mean it is uncontroversial. Working district by district, Haynes and Thomas are bringing together educators, parents, and community leaders of different faiths to agree on three basic rules for setting policies on religion in schools: (1) Schools must protect the religious freedoms of students of all faiths, even those of no faith; (2) parents have primary responsibility for the education of their children; and (3) public debate must always be conducted with respect and civility.

School districts around the nation are signing up. Called the "Three Rs Project" (for "rights," "responsibilities," and "respect"), the program has been introduced in all of California's 58 counties. It has been endorsed by groups as diverse as the Anti-Defamation League, the American Civil Liberties Union, the Christian Educators Association International, and the California Teachers Association. And a growing number of states—including Georgia, New Mexico, New York, Pennsylvania, Texas, and Utah—are moving ahead with the initiative as even their most homogenous school districts absorb rising numbers of ethnic and religious minorities.

The lesson is that pluralism need not hush all religious voices in public schools. Haynes insists that the First Amendment is animated by a respect for individual conscience, and that it implies a set of civic principles for affirming religion in the public square—in all its diversity. "If it's done right, the First Amendment will make the schools, for the first time in our history, places where deeply religious people will feel confident in sending their children to be educated," Haynes says. "But getting it right is going to take a great deal of work."

Diversity Central

That's painfully true in California, eventual home to roughly 25 percent of all who immigrate to the United States each year. The state draws large numbers of racial and religious minorities; the student body in some districts comprises up to 90 different native languages—and almost as many ways to talk about faith in the classroom.

Church-state disputes came to a boil in 1990, when the state prodded public schools to adopt a social-studies curriculum that teaches the central role of religion in U.S. and world history. Most schools weren't ready: Teachers typically received little or no training in world religions or in raising religious issues in class. During public hearings on proposed textbooks, police were actually called out to restore order.

Haynes and Thomas met with school officials and community leaders throughout California. Their *modus operandi*: Encourage local school boards to approve the Three Rs Project, organize

by Joe Loconte

Joe Loconte is the deputy editor of Policy Review: The Journal of American Citizenship.

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teams of parents and educators to attend seminars on the First Amendment, send teachers to curriculum workshops, and then build community support. If all of that sounds like an old-fashioned civics lesson, it is—and it seems to be working.

In the Snowline School District in southern California a few years ago, the stage was set for another contentious church-state drama: A teacher prevented a third-grade student from writing a report on Jonah and the whale; a school-board member donated books espousing creationism to the school library, but officials were unsure whether the school was allowed to use them; a high-school student group wanted to start every meeting with prayer, but a parent objected.

The community, however, was ready. Snowline had recently adopted the Three Rs Project to accommodate the religious-liberty rights of an increasingly diverse school system of 6,000 students. The district peacefully reached agreements on each flash point: The Jonah report was approved, books on creationism now sit on library shelves, and the student group agreed to begin meetings with a moment of silence, not prayer.

"It's very clear that the student expression of religious values is almost never inhibited by the First Amendment," says Jan Vondra, assistant superintendent of curricula and education services at Snowline. "As long as their expressions are not disruptive, student freedoms are very, very broad."

That's a deceptively simple manifesto: Bewilderment, misconceptions, and fear of religion still grip many school districts. The church-state questions at Snowline, for example, all involved acts considered defensible under federal court rulings—and yet incidents like them tend to provoke bitter lawsuits or muffle legitimate expressions of faith. "Most teachers are extremely wary of allowing any religious expression in their classroom because they are afraid they may be breaking the law," says Jennifer Norton, a high-school teacher in Jackson, California, who has trained more than 250 teachers in the Three Rs program.

New York State of Mind

To crèche or not to crèche, as the school's superintendent puts it—that was the question that sent tremors through the South Orangetown District in Rockland, New York, several years ago. The school followed a now-familiar script: The topic of Christmas and Hanukkah decorations in district classrooms provoked heated public discussions. Unable to reach compromise, school officials banned the display of any religious symbols. "We were trying to teach tolerance, but many people felt we were teaching people to be afraid of asking questions," says Phoebe Rosenwasser, a PTA co-president and the parent of four children attending public schools in the district.

Educator Charles Haynes

To ease tensions, newly arrived school superintendent Mort Sherman helped form a "We the People" committee modeled on the Three Rs program. After several community meetings, the school board last fall approved a policy instructing district schools to teach about religion at virtually all grade levels. "The proper role of religion in the public schools is in its educational value and not in religious observance nor in religious celebration," the policy states. The committee is now placing curriculum development among the district's top priorities.

"You won't walk into our classrooms and see Christmas trees or crèches or menorahs," Sherman says. "But you can walk into our classrooms and hear discussions about what Christmas means. . . . It's part of the formal curriculum." Says Rosenwasser, "It's done a marvelous job of bringing us together."

Haynes dared to imagine such results nearly a decade ago, when he joined the Williamsburg Charter project to commemorate the bicentennial of the First Amendment. That effort, led by social thinker Os Guinness, brought together a national cast of politicians, educators, and religious leaders to publicly agree on the Amendment's intended role in American life: to nurture religion.

The charter, though successful as a public compact, lacked the practical tools to affect local policy. Haynes and Thomas produced a handbook for teachers and administrators called *Finding Common Ground: A First Amendment Guide to Religion and Public Education.* A comprehensive look at legal and practical questions about the relationship between church and state, it forms the basis of the Three Rs program.

Haynes agrees with conservatives and others who see widespread secularism in the nation's classrooms as inherently dangerous to democracy. Sociologist Peter Berger writes that one of the hallmarks of totalitarianism is the urge to drive underground man's quest for God—to impose everywhere "a world without windows." Haynes fears that such is the world being created behind many schoolhouse doors.

But he also seems eager to remind audiences of the perils of majoritarian religion. He takes issue with some conservative Christians who recall 19th- or early 20th-century America as a golden era of religious influence in public schools. In fact, Protestants and Catholics argued over which version of the Bible to read and what prayers to say, while Jews and other religious minorities were deeply uncomfortable with the Protestant overtones of their children's instruction.

"Religious consensus in the United States is not possible, and any attempt to impose one in public education would be unjust and unconstitutional," Haynes says. "People who look back to the good old days should remember that there were no good old days in public schools. We were very bitterly divided."

Unlikely Allies

Given the groups contending for and against a religious-liberty amendment in Congress, the Three Rs Project continues to attract a peculiar coalition of supporters. Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, calls the initiative "indispensable." In December, when Haynes released *A Parent's Guide to Religion in the Public Schools,* he got the backing of Education Secretary Richard Riley and Joan Dykstra, the president of the National PTA. "The freedom of religion is one of the most important guarantees in our Constitution," Dykstra says, "and continues to

Photo courtesy of The Freedom Forum

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be the basis of our nation's strength." Dykstra intends to have 30,000 copies of the guide distributed to PTA presidents nationwide.

In a memorandum last year, President Clinton directed the U.S. Department of Education to send guidelines explaining students' religious rights to each of the nation's 14,800 districts. "Nothing in the First Amendment converts our public schools into religion-free zones," Clinton wrote in the memorandum. The guidelines, which borrowed heavily from last year's Joint Statement of Current Law, seem to be diffusing some suspicion about the Three Rs project.

Some groups, however, remain skeptical. Elliot Mincberg, of the liberal group People for the American Way, says he endorses the educational goals of the project but fears that conservatives will use it to further a political agenda—and so remains judicially vigilant. "It's got to be bilateral disarmament,." he says. "I can't disarm as long as they don't."

Steven McFarland, the director of the Christian Legal Society, doubts that a civic-education project can undo a string of judicial rulings hostile to religion. The Rutherford Institute similarly faults the Clinton directive and the 1995 Joint Statement for ignoring unfavorable court decisions. In *DeNooyer v. Livonia Public Schools,* for example, a federal court allowed a school to single out a student's religious speech for disparate treatment. "Only an amendment can head off decades of additional discrimination and costly lawsuits," McFarland recently told *Christianity Today.*

Haynes, Thomas, and scores of educators and parents are betting against such a forecast. They're convinced that changes in public attitudes about religion must come from the bottom up—one school district at a time. They consider the breakdown in trust in public education as a threat to civil society; such trust, they argue, cannot be restored until schools break their silence about the historic role of faith in American culture.

"We can take religion seriously in public education while protecting the conscience of every parent and student," Haynes says. "But we cannot go forward as a country if we try to keep religion out of the schools. . . . There is simply no choice but to try to get this right."

A Consensus on the Law

What follows is a consensus on current law regarding religious expression in public schools, signed in April 1995 and endorsed by President Clinton. Its supporters include groups from across the political spectrum: American Civil Liberties Union, American Jewish Committee, Baptist Joint Committee, Christian Legal Society, National Association of Evangelicals, People for the American Way, and the Presbyterian Church (USA), among others.

Student Prayers. "Students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive. Because the Establishment Clause does not apply to purely private speech, students enjoy the right to read their Bibles or other scriptures, say grace before meals, pray before tests, and discuss religion with other willing student listeners. . . .

"In informal settings, such as the cafeteria or in the halls, students may pray either audibly or silently, subject to the same rules of order as apply to other speech in these locations. However, the right to engage in voluntary prayer does not include, for example, the right to have a captive audience listen or to compel other students to participate."

Teaching about Religion. "Students may be taught about religion, but public schools may not teach religion. . . . It would be difficult to teach art, music, literature, and most social studies without considering religious influences.

"The history of religions, comparative religion, the Bible (or other scripture) as literature . . . are all permissible public school subjects. It is both permissible and desirable to teach objectively about the role of religion in the history of the United States and other countries. . . ."

Student Assignments. "Students may express their religious beliefs in the form of reports, homework, and artwork, and such expressions are constitutionally protected. Teachers may not reject or correct such submissions simply because they include a religious symbol or address religious themes. . . ."

Distribution of Literature. "Students have the right to distribute religious literature to their schoolmates, subject to those reasonable time, place, and manner, or other constitutionally-acceptable restrictions imposed on the distribution of all nonschool literature. Thus, a school may confine distribution of all literature to a particular table at particular times. It may not single out religious literature for burdensome regulation."

Religious Persuasion. "Students have the right to speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. But school officials should intercede to stop student religious speech if it turns into religious harassment aimed at a student or a small group of students."

Religious Holidays. "Generally, public schools may teach about religious holidays, and may celebrate the secular aspects of the holiday and objectively teach about their religious aspects. They may not observe the holidays as religious events."

Excusal from Lessons. "Schools enjoy substantial discretion to excuse individual students from lessons which are objectionable to that student or to his or her parent on the basis of religion. Schools can exercise that authority in ways which would defuse many conflicts over curriculum content.

"If it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance, the school would be legally required to excuse the student."

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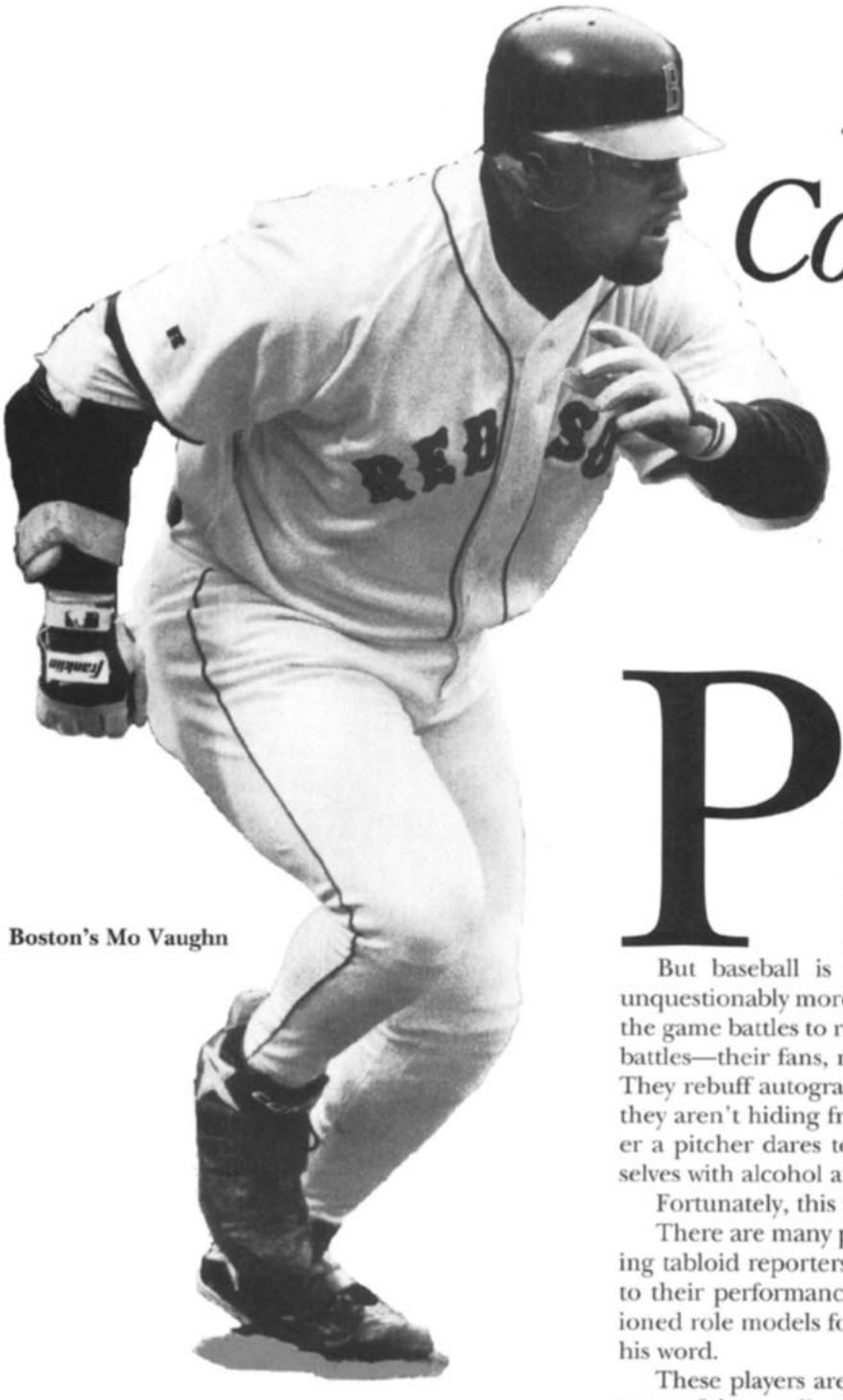
Citizens at Bat

Baseball's Community All-Stars

By Frank Fitzpatrick



Boston's Mo Vaughn

Poor battered baseball. It's got more problems than the Detroit Tigers pitching staff. Among Generation X's favorite sports, it ranks somewhere between beach volleyball and Mortal Kombat. Its TV ratings resemble Greg Maddux's earned-run average, and you can count its marketable superstars on one of Ken Griffey Jr.'s fingers.

But baseball is tops in one dubious category. There are unquestionably more boors in baseball than in any other sport. As the game battles to repair its tattered image, its legion of louts just battles—their fans, reporters, opposing players, even themselves. They rebuff autograph-hunters. They berate sportswriters (when they aren't hiding from them). They charge the mound whenever a pitcher dares to throw inside. And some even abuse themselves with alcohol and drugs.

Fortunately, this isn't the whole story.

There are many players who are doing much more than keeping tabloid reporters gainfully employed. They are as committed to their performance off the baseball diamond as on—old-fashioned role models for kids hungry to see even one adult stand by his word.

These players are using their resources and influence to help some of the neediest in their communities. Though most promote charitable causes, they are not merely mannequins on display for some local charity. Performance-based contributions—a homer for the heart association, a save for the Salvation Army, a grand

Photo by Jim Mahoney / Boston Herald

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slam for Goodwill—are fine as far as they go. But they do little to connect players with real people.

The players profiled below have found causes they believe in and turned themselves into vigorous and effective advocates. And they do not do so in the Hollywood style—joining a cause-of-the-month club, strutting into congressional offices or the White House to plead for a new government program or grant. It doesn't seem to have occurred to these men to ask government agencies or politicians to lend a hand.

No, these celebrities are founding scholarship programs to give needy children a shot at college. They are small businessmen determined to create jobs where they live. They are mentors walking into inner-city classrooms and playgrounds and turning dust and debris into dreams. They're committed husbands and fathers for whom the word "sacrifice" means more than a way to advance a base runner.

They are, in short, productive citizens.

"We're not all jerks," says pitcher Jeff Montgomery, of the Kansas City Royals. "A lot of us know that we have a responsibility not just to our teammates or to the fans at the games, but to the entire community."

★ The All-Stars ★

Jim Eisenreich	*OF, Philadelphia Phillies*
Dave Valle	*C, Texas Rangers*
Mo Vaughn	*1B, Boston Red Sox*
Jim Abbott	*P, California Angels*
Jeff Montgomery	*P, Kansas City Royals*
Steve Finley	*OF, San Diego Padres*
Don Mattingly	*1B, New York Yankees*
Jeff Brantley	*P, Cincinnati Reds*
Craig Biggio	*2B, Houston Astros*

Here are nine prominent baseball players—call them "all-stars in citizenship"—that constitute an impressive lineup of caring athletes:

Jim Eisenreich
Philadelphia Phillies

It was 11 A.M. on a game day. On the upper floors of Montreal's Le Centre Sheraton hotel, "Do Not Disturb" signs hung outside the rooms of most Philadelphia Phillies. At that moment, Jim Eisenreich was a long way from his sleeping teammates. He was sitting in a home in a distant Montreal suburb. There, a nine-year-old victim of Tourette's Syndrome, his face and body twitching violently, listened as the ballplayer tried to comfort him.

"I've got a mission with these kids," says Eisenreich, his own Tourette's symptoms harnessed by medication. "I try to show them they can dream too."

The illness, which now afflicts about a million people a year, is a genetically transmitted neurological disorder that causes vocal tics and muscle twitches. This particular youngster's problems were so pronounced, he had stopped attending school. Not long after Eisenreich's lengthy visit, he returned.

"Frustration, pain, and depression had infected his entire family," says Sue Levi, medical and scientific director for the Tourette's Syndrome Association. "Jim spent 90 minutes with that child and, according to the mother, the discussion literally changed her son's life. He was able to talk about his problems openly afterward and was a happier, more relaxed kid."

It is a story repeated wherever the Phillies travel. Eisenreich, whose own childhood was marred by the disorder and whose baseball career was interrupted by it, meets kids with Tourette's in every National League city. He escorts the youngsters and their families into baseball's inner sanctums, answers their questions, and, most importantly, concludes each session with a message.

"My job is to be a good ballplayer who helps his team win. But it's equally important that I help these kids," says Eisenreich. "I believe that's God's plan for me."

The Phillies outfielder has raised hundreds of thousands of dollars for Tourette's causes and touched thousands of lives. Each week, he personally responds to as many as a hundred letters from victims of the disorder.

"Sometimes, on the road, I'm up till 2 or 3 in the morning writing letters," says Eisenreich, who stands among baseball's most dependable utility players. "But I'd be in my hotel room anyway. I don't go out. I'm not a party person."

Now among the sport's most admired and well-liked players ("If you can't get along with Eisy, you're the one with the problem," says Phillies coach John Vukovich), Eisenreich had few friends growing up in Minnesota. "Other kids couldn't understand why I was making these strange noises and movements," he says. "They used to make fun of me. Their parents didn't like them playing with me."

But Eisenreich could play baseball, and by 1982 he was a Minnesota Twins rookie hitting above .300. The pressures of big-league baseball aggravated his problem, though, and in three

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big-league seasons he appeared in only 48 games. One night in Boston he actually walked off the field; after only 12 games in 1984, he walked away from baseball.

Everyone assumed psychological problems drove Eisenreich from the game until a Minnesota specialist diagnosed Tourette's. Three years later, armed with new medicine that gave him some respite from the twitching, Eisenreich began a comeback. He was traded to the Phillies in 1993 and ended that season by homering in Game 2 of the World Series. By then, when his story was well known, he had committed himself to helping others with the disorder.

"If I could ask one thing of people, it would be acceptance of us," he says. "They need to understand that we have no control over this."

Eisenreich and his wife, Leann, recently began the Jim Eisenreich Foundation for Children with Tourette's Syndrome, based in Kansas City, Missouri, his winter residence. Their goal is to establish a nationwide network of clinics where the afflicted can get counseling, support, and medical assistance.

"I don't want these kids to have to go through everything I did," Eisenreich says. "This work I do is my responsibility to them."

Dave Valle
Texas Rangers

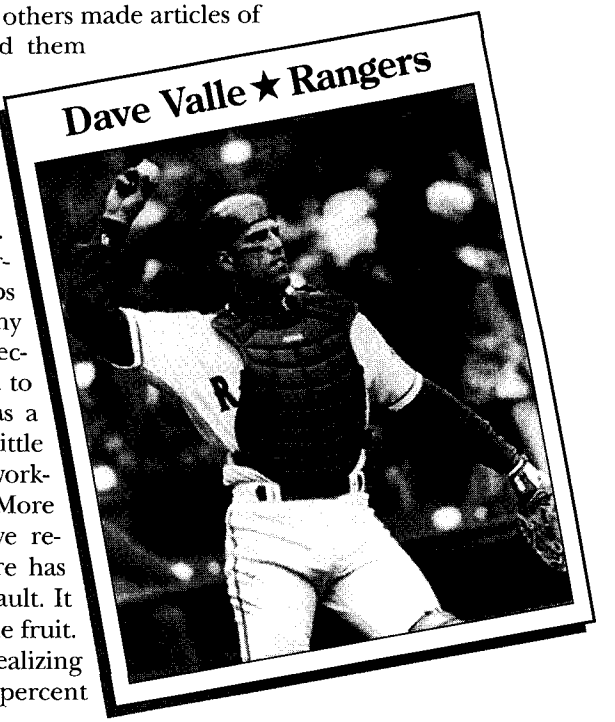
Dave Valle's life changed 13 years ago amid a crowd of ragged youngsters at a ballpark in the Dominican Republic.

As a 23-year-old playing winter ball in the hopes it would hasten his rise to the major leagues, Valle and his wife were met one night by a crowd of youngsters as they exited Santo Domingo's ballpark. It was hardly the Nike-clad, autograph-seeking crowds that big-league players encounter outside American stadiums.

"These kids had no shoes and very little clothing. They looked malnourished and they were begging for food," says Valle. "Right then I told my wife that if I was ever in a position to do so, I would come back here and help."

Two years ago, Valle and ex-Mariners pitcher Brian Holman decided that time had come. They founded Esperanza International (from the Spanish word for "hope"), solicited money, and sought advice on how the nonprofit agency could best deploy the funds in the Dominican Republic. "What we decided on was a program of microlending to women in the poorest of areas," says Valle. "We knew that to help the children, we had to help the women. In that culture, it's the women who are really involved in the nurturing of children. And the way it was there, unless they begged, stole, or sold their bodies, the children didn't eat."

Dominican women borrowed about $110 apiece. "That goes a long way there," says Valle. Holman, Valle, and other volunteers helped them start small businesses. Some sold chickens, a few did laundry, still others made articles of clothing. "We charged them 2.3 percent interest and they were required to save 10 percent of the loan's value while they were repaying it," says Valle.



The women borrowed money in groups of 15 to 20. Before any of them could get a second loan, they all had to repay the first. "It was a way of providing a little peer pressure, and it worked," says Holman. "More than 200 women have received loans and there has not been a single default. It has borne unbelievable fruit. Most of them are realizing profits of 300 to 400 percent on their loans."

Holman, retired for two seasons now, does most of the administrative work for the organization, which is based in Bellevue, Washington. Valle raises money and encourages other major-leaguers, like Seattle's Edgar Martinez, to join their cause. In the off-season, the 35-year-old Rangers catcher returns to the Caribbean nation to monitor Esperanza's work.

"I just believe that people as fortunate as us have to help," says Valle. "I just wish there was more I could do." Soon there might be. Valle's wife, Vickie, is Cuban; should the Castro regime tumble, Esperanza plans to set up a similar program there. "We'd like to help in the United States, too," Valle says, "but the problem is, $110 doesn't go very far here."

Mo Vaughn
Boston Red Sox

Boston educators will tell you that Mo Vaughn literally spends more time in the city's schools than some of the truants he's trying to reach. And his programs for inner-city kids go far beyond money and public-relations efforts. Vaughn, they say, has developed relationships with troubled teenagers, homeless mothers, terminally ill children.

"He has made a difference in the lives of many Boston youngsters," said Bob Elias, the director of Action for Boston Community Development (ABCD).

Photos on pages 24-28 courtesy of major-league baseball clubs

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Vaughn's parents were teachers and they instilled in their son two traits that linger still—a spirit of caring and an appreciation of education. The American League's Most Valuable Player in 1995, Vaughn is passionately involved in several education programs to help Boston's impoverished youth.

"These kids need to learn the value of an education," says Vaughn, a Seton Hall graduate. "Lots of times there is no one in their families who has been to college, maybe even no one who finished high school. They need to hear, in a personal-story kind of way, how it could change their lives."

Three years ago, he helped establish the Mo Vaughn Youth Development Program, an inner-city center where children gather safely for recreation and academic prepping. Volunteers tutor kids in classwork and in real-world work—they learn how to compose a resume, interview for a job, and open a bank account. "The main things we teach here are the value of education, self-esteem and learning a skill," says Roosevelt Smith, a program counselor.

"Baseball is my job," says Vaughn. "But my most satisfying day was the day we graduated eight kids to the next level in my program and I could see how it changed their lives. Some of these kids get a bad rap. They are facing tough situations every day and sometimes they don't make the right decisions. I try to spend time with them, to talk with them, because they want to know how life really works."

ABCD director Elias says more kids are making the right decisions because of Vaughn. "He has had a definite influence for good. And the most impressive thing is that he wants to do more."

Vaughn, 28, also works closely with the Boys and Girls Clubs of Boston, paying for equipment and activities and escorting groups to Red Sox games. He also is a visible spokesperson for the Greater Boston Food Bank and Catholic Charities. "Mo Vaughn," says Red Sox coach Frank White, "can't say no. He is just a great young man. Baseball needs more like him."

Jim Abbott
California Angels

If you peeked into the bedroom of an American child born with a physical deformity, there's a good chance you'd find some reference to Jim Abbott—a signed photo, an autographed baseball, perhaps even a framed letter from the Angels pitcher.

Born without a right hand, Abbott pitched the U.S. Olympic team to a gold medal in 1988, reached the major leagues a few years later and, in 1993, threw the first no-hitter by a New York Yankee in a decade. He is, in a way, the Jackie Robinson of handicapped athletes, a pioneer who changed his game and the perceptions of others.

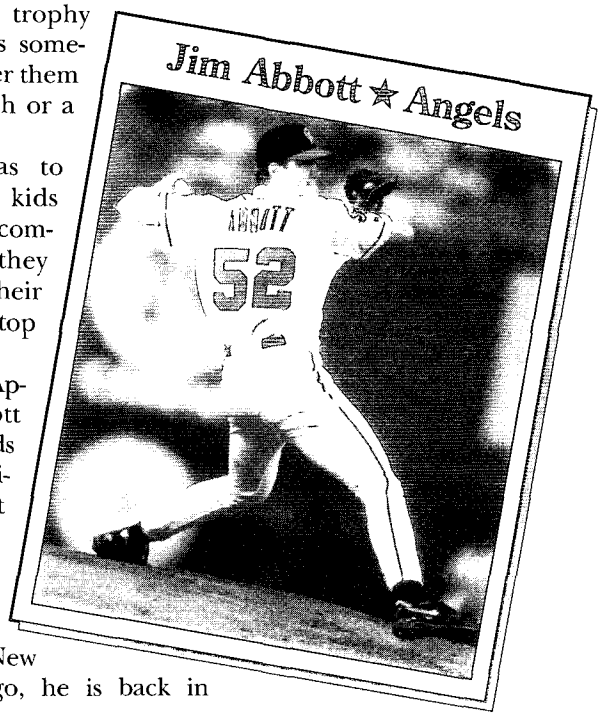
"He has become an idol, an inspiration, a tremendous figure in the lives of these kids," says an Angels spokesman. "You wouldn't believe how much mail he receives from them. And he makes sure that every one of them gets some kind of response with a hopeful word."

Abbott works with numerous children's agencies, particularly Amigos de Los Niños (Friends of the Children), an organization that assists disabled, abused, and handicapped children. He frequently lectures, raises money, and signs autographs for the organization.

But that's just the tip of the iceberg: Disabled children constantly seek out Abbott, and if they can't get to him, he'll track them down. The pitcher once showed up at a game between two teams of disabled kids in an Orange County (Calif.) Little League. He walked unannounced onto the field, shook each youngster's hand, talked with them, and then pitched an inning.

"The kids didn't come back to earth for weeks," says league president Kim Weingarten.

It's also not unusual for Abbott to spot a disabled child in the crowd after a game and bring the youngster onto the field. Several of Abbott's game balls now reside in these children's trophy cases. But he has something more to offer them than an autograph or a baseball.



"Someone has to convince these kids that they can accomplish whatever they want in life and their disability won't stop them."

Like Johnny Appleseed, Abbott planted those seeds of hope and inspiration throughout Southern California in his first stint with the Angels. Now, after playing in New York and Chicago, he is back in Anaheim.

"When Jim was traded away it was like Orange County had lost one of its treasures," says Cindy Eigenhuis of Amigos de Los Niños. "He was so involved in activities for the kids. Now, thank God, he's back."

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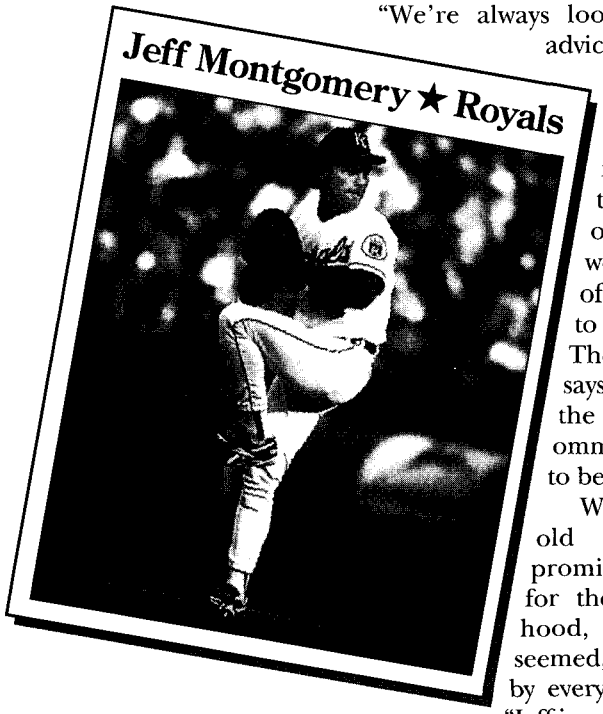
Jeff Montgomery
Kansas City Royals

Even the most devoted baseball fans admit that the game lacks the action and pizzazz of basketball, football, or hockey. For Jeff Montgomery, that's the point: He contends that the slow pace of baseball makes it an ideal setting for a father to interact with his son or daughter. The rhythm of baseball—with its foul balls, pitcher substitutions, pickoff throws to first base, and so on—creates a great climate for father-child quality time.

Montgomery thinks a lot about fathering—so much so that he has become an important spokesman for fatherhood in Kansas City. "All the evidence suggests that kids need some kind of fathering input in their lives," he says. "For me, as someone who has a lot of visibility, I think it's important to be out there identifying good fathers and informing young men about the joys and responsibilities of being a parent."

The pitcher has joined with the National Center for Fathering, a nonprofit agency based in Kansas City that is aggressively promoting the virtues of fatherhood. And in a nation in which nearly 40 percent of all children under 18 live apart from their biological fathers, the cause of fathering needs all the relief help it can get.

Montgomery recently recruited his entire family to star in a public-service announcement for the center. He appears at NCF fund-raisers and has persuaded other Kansas City athletes to publicly support the cause of fathering. He is the prime force behind an NCF-sponsored essay contest, in which children are asked to explain why their fathers are important to them.



"We're always looking for fathering advice," he says. "So I've been encouraging kids to write a brief essay on what their fathers mean to them. Some are not only touching and well written, but are of enormous benefit to the fathering center. They look at these essays and turn some of the messages into recommendations on how to be a successful father."

When the four-year-old agency sought a prominent spokesperson for the virtues of fatherhood, Montgomery, it seemed, was recommended by everyone in Kansas City. "Jeff is extremely active in this community," says Peter Spokes, an NCF official, "and the work he has done for us has given our organization tremendous visibility."

Montgomery's life is indeed packed with charitable causes. The 34-year-old pitcher also helps the K.C. chapter of the American Heart Association, Cystic Fibrosis Foundation, the City Union Mission, the YMCA, and the Boys and Girls Club.

Montgomery was due to reveal the winner of the fatherhood essay contest on Father's Day, during a ceremony at the Royals' Kaufmann Stadium. The lucky youngster will walk to the mound, shake hands with the pitcher, read his or her essay over the microphone—"and, hopefully," says Montgomery, "every father at that game or watching on TV will go away a better parent having heard it."

Steve Finley
San Diego Padres

Twenty-five teenagers from San Diego's worst neighborhoods stood nervously with 25 professional ballplayers on the first-base line at Jack Murphy Stadium. The players, all Padres, were there to help award the youngsters $5,000 academic scholarships. Center fielder Steve Finley stood there alongside Berenice Alcantara, a student at Palm Middle School.

Alcantara and her peers might never have gotten there without Finley's determination.

Shortly after a 1994 trade sent him from Houston to San Diego, Finley learned of the team's plan to start a scholarship program for impoverished, academically talented students. Though short of a tuition-waiver, the money could help put college within reach of needy kids. Great idea, he thought, but he had a suggestion.

"Both my parents were middle-school teachers back home" in Tennessee, says Finley, 31, the National League's Gold Glove center fielder last season. "They were loving with their students but they could be tough too. In fact, my dad, who was a principal, had a plaque on his desk that said, 'Attila the Hun.' But they always insisted that the time to reach out to kids, to get involved in their lives in a positive way, was when they were in middle-school."

Steve Finley remembered what "Attila" had told him. He convinced the Padres to aim the program at kids in middle-school, not high school, because "that's when kids are most susceptible to the lure of drugs and the streets," Finley says. "By high school, it might be too late. With a program like this, we'd be able to identify them as young teenagers and say, 'Hey, don't worry. You *are* going to college.' "

The Padres liked the idea and after much locker-room arm-twisting by Finley, the Padres

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Scholars program was launched. Finley guaranteed that he could raise $60,000, and the club said it would match the total. "You never saw anything like it," says Charles Steinberg, the Padres' director of community development. "There was Steve, carrying a yellow legal pad, walking slowly from locker to locker in the clubhouse, soliciting donations from his fellow players and convincing them of the worthiness of his cause."

Almost immediately he signed up Tony Gwynn, Ken Caminiti, Brad Ausmus, and other Padres stars, as well as manager Bruce Bochy and his coaching staff. He was so convincing that many of his teammates soon became as active in the program as Finley. When San Diego traded pitcher Andy Benes to Seattle late last season, his final act as a Padre was to walk into the front office and write a check to the program for $10,000. And when Finley collected a bonus for winning the Gold Glove, he turned over a big chunk to the Scholars fund.

"This is something we should have been doing for a long time," says Finley. "Players and owners should be working together in their communities. And education is a common denominator."

Finley and Alcantara have grown as close as teammates through the Padres program. The ballplayer keeps an eye on her academic progress and is often the first one the teenager calls when she scores well on a test.

"This is definitely a two-way street," he says. "We're helping these kids, but we feel as if we're doing something for ourselves and the community, too. Sometimes as players, we get asked to help so many different causes that it's hard to see the benefits. But with this program, we sponsor individual kids and we see them. . . . We can see first-hand their progress and how this affects their lives."

Don Mattingly
New York Yankees

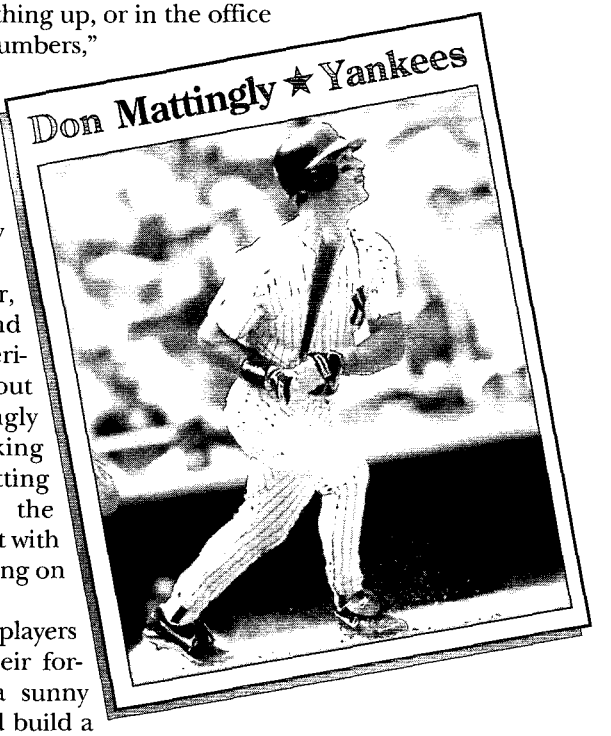
Don Mattingly wants to play baseball again. And if, later this season, a team decides to call the 34-year-old former Yankee first baseman, he's easy to find: He has a couple of businesses to run.

A native of Evansville, Indiana, Mattingly operates two small businesses in his hometown. He lends his sweat, not just his name and money, to Mattingly's 23, a restaurant and sports-bar downtown, and Diamond Five Farm, his horse farm in the Indiana countryside.

His roots in Evansville mean a lot of people are watching to see how well his businesses perform. And that means he must spend a lot of time not only building up his operations, but the network of locals who will help them to thrive.

"I'm from Evansville," says Mattingly, speaking from his farm. "What happens here affects everyone who lives here and that includes me—especially since I'm not playing this year."

Mattingly opened the restaurant, named for his uniform number, a decade ago, and bought the horse farm in 1993. "He would be in the kitchen cooking something up, or in the office checking on some numbers," says Kevin Edmonds, the restaurant's general manager. "He even got involved in some of the hiring himself. He was a very hands-on owner."



The restaurant-bar, which can seat 350 and serves traditional American fare, employs about 40 people. Mattingly drifts in often, making sure people are getting seated, looking over the menu to see what's hot with customers, and checking on new employees.

"There are a lot of players who, having made their fortune, will move to a sunny beach somewhere and build a wall around themselves," says Ray Shulte, the player's agent. "Some get involved in business, invest some money, let someone use their name and then wait for the checks. Not Don. He feels a responsibility to Evansville. And by being a successful businessman there, he is giving people work and giving something back."

Jeff Brantley
Cincinnati Reds

Jeff Brantley hails from Jackson, Mississippi. To grow up in a poor city in one of the nation's poorest states is to know something about poverty. Brantley watched how a welfare system helped to ensnare families in ramshackle neighborhoods, creating places where there were too many kids with too little to do.

"Those kids had nothing," he says. "No opportunity. No hope."

Not even baseball. "Even if they wanted to play baseball, they had no equipment."

So three years ago, Brantley, 32, decided to start a baseball league in Jackson's largely African-American west side. The Calvary Youth Baseball League began with eight teams and roughly 60 boys, ages 9 to 12. Today it has grown to 150 boys and 10 teams.

"He didn't just lend his name to that project," says Cal Wells, a close friend. "It was an eight-

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team league, a great project, and he got the whole thing together. He provided the money and the equipment. He got the ballpark and personally got involved in finding the coaches."

To Brantley, the coaches are crucial. They help set a tone, an attitude. "He wanted to make sure that the coaches were people of character, people the kids could look up to. He was as hands-on as you could possibly be, and yet he wanted his involvement kept real quiet," says Wells, a Jackson attorney.

For every good thing you know about Jeff Brantley, Wells says, there are 10 good things you don't know. One day last winter, the pitcher heard that a child dying of cancer had asked a shopping-mall Santa for a ball autographed by Jeff Brantley. "A few days before Christmas there was a knock at that family's door," Wells says. "There was Jeff, delivering the ball himself."

A religious man, Brantley said the combination of his Christian ideals and his professional good fortune compelled him to get involved in the lives of disadvantaged youngsters. "It's not so much a sense that, 'Well, I've done real well, I've got to help others,'" says Brantley. "I have a strong faith and I saw a need out there for kids to have some direction in their lives."

The Mississippi State graduate got the idea for his hometown league early in his big-league career, when he was a Giants reliever. Brantley worked with a youth baseball league in a drug-plagued section of San Francisco. "There I just sponsored the team," he says. "But even at that level of involvement you could see the potential for good."

Brantley knew that to alter conditions in Jackson he needed to touch the parents as well as the children. League rules stipulate that the parents of players must attend a certain number of games and lend a hand in league activities. "The way I look at it," says Brantley, "the league is a little evangelism, a little baseball, a little fun."

And a lot of Jeff Brantley.

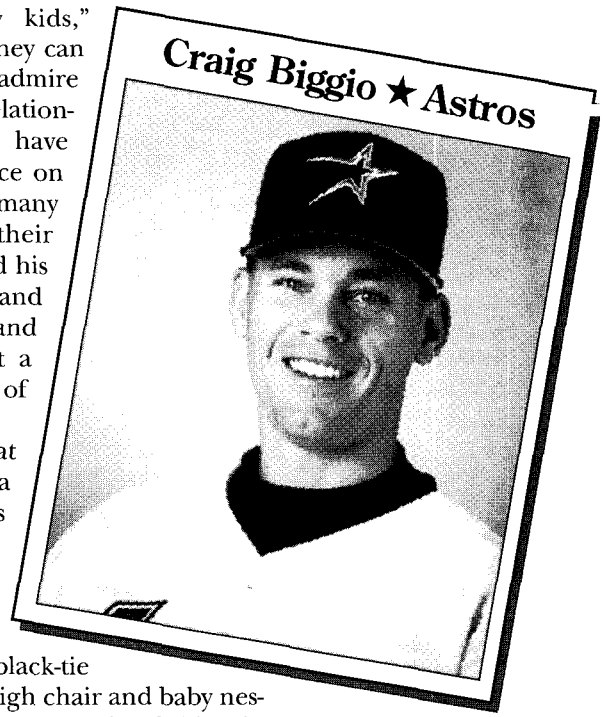
Craig Biggio
Houston Astros

A Sunday afternoon game concludes at the Astrodome. Half-dressed Houston players linger at their lockers, talking with reporters or each other, picking at plates of postgame food, waiting for treatment in the trainer's room. Craig Biggio is dressed and heads for the door.

"Told the kids I'd take them out for ice cream," explains the all-star second baseman.

Baseball separates families for most of the year and, more than other sports, confronts its players with constant temptations on lengthy road trips. "Anybody who thinks it's easy to maintain a normal family life in baseball is fooling themselves," says Pittsburgh Pirates manager Jim Leyland. "Just look at the number of second and third marriages in the game. It requires real effort and commitment on everyone's part."

And, according to many in baseball, no one works harder at his family life than Biggio.



"Like it or not, we are seen as role models by kids," Biggio says, "and if they can see an athlete they admire in a healthy family relationship, maybe it will have some sort of influence on their lives." So, while many ballplayers shelter their personal lives, he and his family—wife Pattie and sons Connor, three, and Cavan, one, make it a point to live much of theirs in public.

Biggio believes that a family is not unlike a baseball team. Its members function best when they function as a unit. So it's not unusual to see the Biggio clan at a black-tie charity affair—with high chair and baby nestled among the diners—or in the children's unit of a Houston hospital.

The Biggio family's activities add a new meaning to the expression "family planning." "Craig's schedule is a very carefully orchestrated affair," says Gene Pemberton, the Astros' community-development director. "He leaves ample time for baseball, of course, but they make sure there is time for their causes."

"The all-American family is a cliché," Pemberton says. "But in Craig's case it really applies. He and his wife and two kids do everything together. And he gets a lot of requests for his time, naturally, but he won't do anything without clearing it first with Pattie. A family man is what he's all about."

A pet project of the Biggio family these days is the Houston chapter of the Sunshine Kids, an organization that tries to fill the needs of terminally ill youngsters and their families. Whenever the Astros are at home, Biggio and his family visit sick children, either in local hospitals or in their homes.

You could say they belong to a sort of extended family—and no one's family is extended more than Biggio's. Which is just the way he wants it.

Frank Fitzpatrick *is a sportswriter with the* Philadelphia Inquirer.

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Smart Women, Foolish Quotas

By Sally C. Pipes & Michael Lynch

Willie Brown, then the Speaker of the California Assembly, predicted in March 1995 that the California Civil Rights Initiative (CCRI) would be defeated if it were given the "face . . . of a white woman." Opponents of the CCRI—an amendment to the state constitution that would prohibit state and local governments from granting preferences or discriminating based on race, ethnicity, or sex—are taking Brown's advice. They're trying to define the initiative, on the ballot in November, as "anti-woman."

The National Organization for Women (NOW) has made defeating the CCRI its top priority for 1996. Its leaders fear that a CCRI victory might herald the end of preferences in other states—and perhaps even nationwide. "A lot of the success or defeat of feminist issues will hinge on the fight against the CCRI," California NOW president Elizabeth Toledo told the *News for a People's World.* To show a unified feminist front against the CCRI, NOW chose San Francisco as the site of its annual rally in March.

Even previously nonpoliticized groups such as the Young Women's Christian Association (YWCA) have joined the opposition to the initiative. For 176 years, the YWCA has avoided involvement in political activity. But last December, the Los Angeles YWCA held a rally that featured preschoolers chanting "give girls a chance—girls are strong, too." At a press conference in San Diego sponsored by NOW and the YWCA, city councilman George Stevens called the CCRI "the most racist initiative that has ever been put on the ballot." Stevens called white males "the devil in the blue suit," claiming that white males are pushing the initiative as retribution against white women for being unwilling to serve their men at home.

Anti-CCRI activists cite arguments by law-school professors such as Erwin Chemerinsky (University of Southern California) and Laurie Levenson (Loyola) that the CCRI's Bona Fide Qualifications (BFQ) clause will lower the legal standards against sex-based discrimination. These assertions are absurd. The BFQ clause, taken directly from the 'bona fide occupational qualification" language of the 1964 Civil Rights Act, says, "Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of pub-

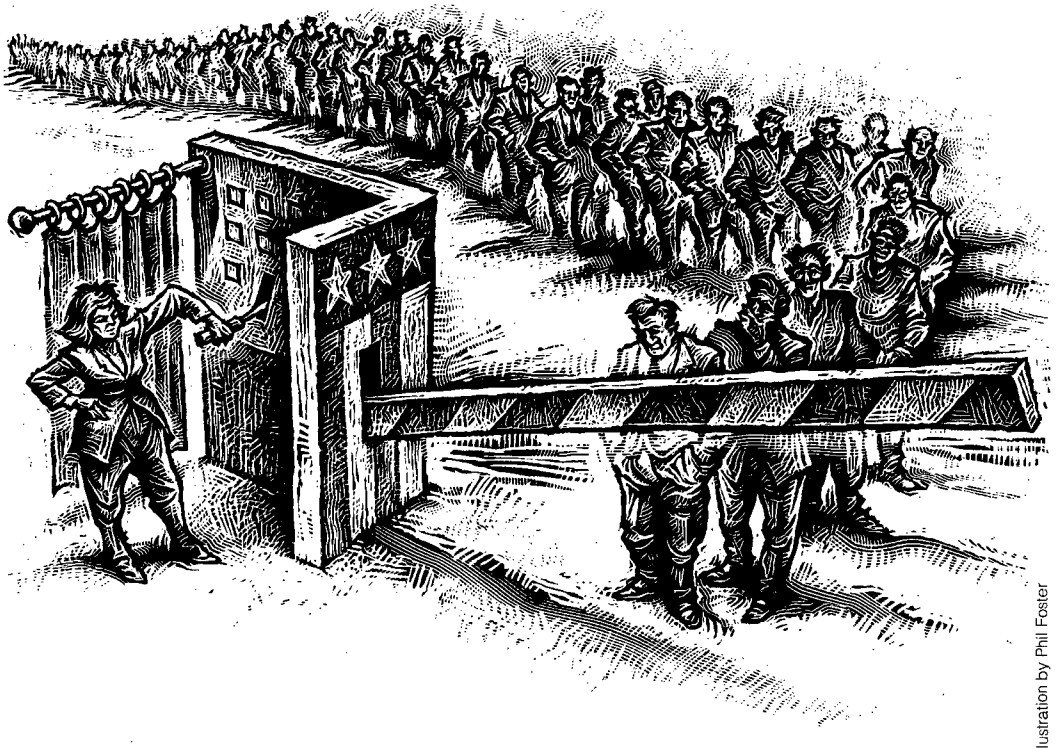

Illustration by Phil Foster

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lic employment, public education or public contracting." The clause exists to protect women, not to victimize them: It merely prohibits such things as the supervision by men of girls' locker rooms and strip searches of female prison inmates by male guards.

It is no mystery why sex is being emphasized. Preferences based on race are as unpopular in California as they are in the rest of the nation. From 1986 to 1994, the American National Election Studies biennial survey consistently measured the opposition to racial preferences at around 80 percent. Proponents of preferences find themselves in the position of having to defend the indefensible: the aggressive categorization of citizens in a democracy by race, ethnicity, and sex so as to give unearned benefits to some at the expense of others. So they are trying to scare women into thinking that the CCRI will lead to discrimination against them. But the strategy won't work. Polls by Charlton Research show no gender gap in the support for the CCRI, with 57 percent of both men and women supporting the initiative. There are four major reasons why women tend to support the California Civil Rights Initiative.

The first is that women, like men, believe in equality before the law. They believe that racial, ethnic, and gender preferences violate the fundamental principle of our political system: the proposition that all men and women are created equal. Women know their advances in the workplace and the voting booth have come not by departing from America's founding creed, but by showing that America wasn't living up to its own political principles.

Second, women are mothers, wives, daughters, and sisters. They are concerned about the unfair treatment of their sons, husbands, fathers, and brothers in the current system of group preferences. Responding to a pro-affirmative action editorial in the *San Francisco Chronicle*, Susan Constantine, a mother of three boys whose husband recently lost his job, wrote, "I find 'affirmative action' and the like racist and sexist. . . . Just as I am opposed to racism and sexism, I am opposed to this form of 'unequal opportunity' toward our sons."

Third, women themselves are often treated unfairly by the current regime. For example, the University of California at Berkeley has had an official policy of giving preference in admissions to out-of-state minority students, even wealthy ones, over poor California residents of both sexes.

Consider Lydia Cheryl McDonald. A resident of Los Angeles, McDonald grew up in a broken home and lived on welfare after her father abandoned her family. Yet she managed to accumulate a grade-point average in high school of 4.5 (on a four-point scale), due to credit for advanced placement classes. Her combined SAT score was 1340 out of a possible 1600. In addition to working 15 hours a week, Lydia wracked up an impressive list of awards, including high honors on California's prestigious Golden State Exam for geometry and varsity letters in cross country, soccer, and track. She aspires to a career in engineering. She is exactly the candidate for which Berkeley claims to be looking: high-achieving, well rounded, poor, and a woman interested in science.

None of this mattered. In March 1996, Lydia received a rejection letter informing her that "we sought an academically strong freshman class which includes students from a wide range of cultural, ethnic, geographic, racial and socio-economic backgrounds." There is little doubt that McDonald would have been admitted under a race-neutral system that placed an emphasis on academic achievement.

Patricia Ribeiro worked for the Head Start program from 1962 to 1971. Five years ago, she applied for a teaching position in the Head Start program of the Long Beach Unified School District. When she asked why the district never acknowledged her application, Ribeiro was told by the programs coordinator, "Don't bother me about your application. I don't care how qualified you are, I am not going to hire you." When she asked why, she was told that the district had "enough white teachers already; you would not match the community you would be serving."

Preferences do benefit some women in public contracting. By statute, California must seek to award 5 percent of the nominal value of all state contracts to women. But no good data exists on how many women are actually in a position to benefit from these preferences. And proponents of preferences never explain how women would suffer under a gender-neutral system that awards contracts to the lowest bidder.

Finally, women know that their most significant advances in the workplace have not resulted from gender preferences. A modern political mantra has it that white women have been the greatest beneficiaries of goal-based affirmative action. Women certainly have made tremendous progress in the work force in the last thirty years.

Opponents of the California Civil Rights Initiative rely on women to back affirmative action. Women will surprise them.

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But academic analysis finds little conclusive evidence that women, on the whole, have benefited from race- and sex-based preference programs. Jonathan S. Leonard, an associate professor in Berkeley's School of Business, concluded in a 1989 journal article that "affirmative action has contributed negligibly to women's progress in the workplace."

As Anita K. Blair, the executive vice president of the conservative Independent Women's Forum, recently wrote, the most important reason for this progress is that "women went to college." In 1960, only 19 percent of bachelor's degrees went to women. By 1995, women claimed 55 percent of B.A.s. Over the same period, women increased their share of lucrative professional degrees—M.B.A.s, M.D.s, and J.D.s—by more than 500 percent. The increase in college enrollment is a result not of preferences, but of changing cultural patterns and personal choices that enable women to excel in fields formerly dominated by men.

Today, half of all professionals are female, and women hold nearly half of all managerial and executive positions. In addition, women are starting their own businesses in droves. In 1980, women owned approximately 2 million businesses with about $25 billion in sales. By 1995, according to the National Foundation for Women Business Owners, women owned almost 8 million businesses with more than $2.25 trillion in sales.

Just as organized feminists wrongly attribute women's success in the workplace to the protective hand of government, they also point to the glass ceiling and the alleged wage gap between the sexes as proof that preferences are still needed. The wage gap, however, is not so much proof of discrimination as a failure to account for statistical differences in age, education, and continuous years in the work force. June O'Neill, the director of the Congressional Budget Office, has found that childless women between the ages of 27 and 33 earn 98 percent as much as men with the same demographic characteristics.

The glass ceiling, too, is more the result of disparities in age, education, and career goals than the product of discrimination. Women who choose to invest in professional skills are doing well in our free economy. According to a recent study by Korn/Ferry International, from 1982 to 1992 the proportion of female executive vice presidents more than doubled, from 4 to 9 percent, and their share of senior vice president positions increased from 13 to 23 percent. This study also found that, on average, women were younger than the men surveyed and that women reached the $100,000 salary level earlier than men. Women don't need the protective and guiding hand of government. Just like men, they simply need opportunity. And equal opportunity for everyone is the driving principle of the CCRI.

The operative clause of the 10-sentence initiative reads, "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." In other words, the CCRI aims to reinscribe in California's law the noble language and original purpose of the 1964 Civil Rights Act, which has suffered three decades years of quiet subversion by unelected judges and bureaucrats.

It is no coincidence that the effort to roll back group preferences originated in California. Steeped in racial, ethnic, and cultural diversity, California urgently needs to dismantle the government's ethnic spoils system. If we are to create a truly vibrant community out of such diverse individuals, race and ethnicity must confer neither advantage nor disadvantage under the law.

This sentiment was expressed in Justice Harlan's ringing dissent in *Plessy v. Ferguson* (1896), in which he wrote, "The destinies of the two races in this country are indissolubly linked together . . . and the interests of both require that the common government of all shall not permit seeds of race hate to be planted under the sanction of law." Today, however, "grievance politics" threatens to destroy our understanding of a common national identity.

The glass ceiling results more from disparities in age, education, and career goals than from bias.

At its core, the CCRI is a project of community-building, the first step in an effort to recover the animating principle of American citizenship, the Declaration's "self-evident truth" of human equality. This implies that all rights in America are vested in individuals, not groups. Thus, a woman's right to pursue happiness in America is secure, not because she is a woman, but because she is a person. A society in which individual rights are protected by the full force of the law is as beneficial for women as it is for men. As such, the crusade to convince California women of their victimhood will fail. Expect the CCRI to pass in November with the strong support of women.

Sally C. Pipes *is the president of the Pacific Research Institute, a San Francisco-based think tank.* ***Michael Lynch*** *is a public-policy fellow at the institute.*

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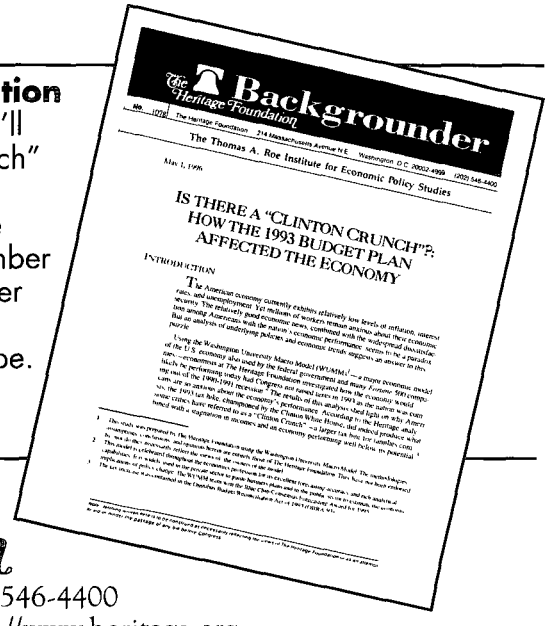
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Atlanta's Other Olympians

By Christopher Garcia

Illustration by Christopher Bing

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Private charities tackle Atlanta's urban blight with dedication and independence.

In the late 18th century, Catherine the Great's favorite field marshal and reputed lover, Grigori Potemkin, built phony villages one block deep throughout Russia's Black Sea provinces to give the tsarina a false sense of the region's prosperity. Two hundred years later, cynical denizens of Atlanta's poorest communities might wonder if the Olympic stadium and the surrounding Olympic village amount to a modern Potemkin village.

Like any Olympic host, Atlanta is putting on its best face for its visitors. The Atlanta Committee for the Olympic Games is spending $1.7 billion and employing 99,000 workers to show the world the best of Atlanta and America. Indeed, the underwriting of Atlanta's expenses by homegrown corporate powerhouses such as Delta Airlines and Coca-Cola demonstrates one of Atlanta's greatest strengths: As one of America's entrepreneurial capitals, Atlanta is a thriving commercial center. A bastion of black enterprise, the city also boasts many distinguished universities and the world-champion Braves baseball franchise.

Like most American metropolises, however, Atlanta also suffers from staggering urban blight. With 27 percent of its overall population, and 43 percent of its children, living in poverty, Atlanta rivals cities like Newark, New Jersey, as a center of decay and degradation. Forty-two percent of its households are headed by single women. Of America's 100 largest cities, Atlanta ranks second in its rate of violent crime.

Many of the organizations charged with battling these social scourges have bungled. Take The Atlanta Project (TAP), the multi-million-dollar nonprofit founded by Jimmy Carter four years ago to organize and stimulate 20 of Atlanta's most depressed communities. An internal audit of the organization's activities, released in January 1995, criticizes TAP for cultivating little input from the communities it serves, imposing cookie-cutter solutions from a bureaucratic central office, and focusing too much of its resources on small feel-good events like community clean-ups. TAP has faltered so badly that it recently eliminated all of its 89 full-time positions as part of a major restructuring effort. TAP's greatest achievement to date: consolidating application forms for social services from 64 pages to 8. All of this for $33.6 million.

If TAP typifies the flashy, top-down approach to community renewal, what follow are stories about the squads of private agencies engaged in a bareknuckled bout with poverty, homelessness, and crime. Unlike many nonprofits serving America's cities, these are not publicly funded extensions of government agencies. Nor do they receive the fanfare of an Olympic event. A tour of some of these ragtag, innovative organizations, each the product of dedicated citizenship, reveals what works in easing urban pathologies—one person, one family, one neighborhood at a time.

Victory for the Homeless

Homelessness is one of Atlanta's most persistent social problems. Task Force for the Homeless, an Atlanta nonprofit that runs a hotline for the homeless, received requests for shelter from about 24,000 individuals last year alone—a thousand more than in the previous year and two thousand more than in 1993. "We need folks who come at the homeless problem from a tough-love approach," argues Russ Hardin, of the Atlanta-based Joseph B. Whitehead Foundation, which gave $3.9 million last year to organizations fighting homelessness.

They don't get much tougher than the church-based Victory House at 979 Boulevard SE, run by pastor Craig Soaries. Though it's the only shelter in Atlanta, according to Task Force, that admits people while they're still high—most of its residents are alcohol or drug abusers—they don't stay that way for more than an evening. The pastor's detoxification program is simple: Anyone who expects to receive Victory House's assistance must quit cold turkey.

The men's regimen has the feel of a boot-camp. Residents must wake by 7 A.M. and be at work by 9 A.M. Because ready cash is a quick ticket back to drug use, residents cannot work for money their first 30 days. Soaries gives them maintenance work on Victory House property and has them help with the shelter's fast-food, used-furniture, and used clothing businesses—all excellent incubators for learning job skills. After 30 days, those who are ready seek full-time employment while still at the shelter. They pay $50 in rent and place one-third of their salaries

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in a mandatory savings account. The men must observe a curfew, forswear smoking and cursing, and seek permission to leave the premises.

Last year Victory House took in about five hundred men and provided fifteen hundred with food and clothing. It has helped 12,000 men since it opened in 1992. Hundreds are off the streets and in the workplace: According to an internal study, 75 percent of the men who participate hold down a job and stay drug- and alcohol-free at least six months to a year after leaving the three-month program.

Soaries credits the program's spiritual content more than its regimen for its long-term success. Though men are not required to make a faith commitment to stay at the shelter, all must attend worship service Tuesday, Friday, and Sunday. They must also participate in group prayer and counseling on Thursday and hold daily devotionals.

"I do not apologize for who I am," says Soaries. "I have no other answer to addiction than the Scriptures."

Ed Lindsey is 40 years old and had failed at drug rehabilitation three times before coming to Victory House. Says Lindsey, "Soaries was the first person to tell me that I didn't have a drug or alcohol problem but a problem with my inner spirit." Lindsey has been clean for eight months. To Soaries the message is clear: "Without a spiritual element, we would not be successful."

Soaries' Bible-based approach to helping the homeless compels him to avoid most government funding. Most government contracts, for example, would prohibit his program from requiring attendance at worship services. As a result, Victory House gets 85 percent of its $152,000 budget from corporate and individual donors. The remainder comes from government contracts that do not infringe upon the spiritual content of the pastor's program—such as funds for certain capital expenditures.

A sign in front of Soaries's nondenominational church reads "Tired of Just Going to Church? Expect a Miracle Tonite!" Miracles seem to be happening in the inner lives of the residents of 979 Boulevard SE.

Four Walls and a Dream

Many advocates for the homeless insist that a lack of affordable housing is the principal cause of long-term homelessness. The success of groups like Victory House demonstrates that, for those literally "on the streets," drug and alcohol addiction is often the culprit. But there are many low-income families, living in cramped yet expensive apartments and run-down housing projects, who know first-hand how little decent, affordable housing there really is. For these people, homeownership is a dream out of reach.

Just ask Constance Vining, a working divorced mother of six struggling to make ends meet. "I never thought I'd be a homeowner," Vining says. "I never thought I'd be able to scrape together a down payment."

She didn't have to. At 46, Vining has become the first member of her family ever to own a home. It wouldn't have happened without Charis Community Housing, a nonprofit urban-development program helping Atlanta's working poor (families earning $18,000 a year on average) become homeowners.

Charis helped Vining finance and build a new house in Atlanta's Summerhill neighborhood in exchange for an in-kind down payment: her "sweat equity" in helping to construct her own home. Now Vining pays $296 a month on a zero-interest loan for a one-story, three-bedroom, one-bathroom house. Previously, she had rented a run-down, two-bedroom apartment that cost her $550 a month and left her nothing to show for it. "Now I have something to leave my children. My dream has come true," she says.

Charis is a subsidiary of a community-development corporation called FCS Urban Ministries, which coordinates the ideas and resources of local and suburban churches. (FCS stands for Family Consultation Services, although the organization is recognized only by its initials.) Charis has built 128 such homes since 1982. It is supported by three thousand volunteers, and 99 percent of its funds come from the private sector.

More than a hundred talented low-income children attend private schools on scholarships funded anonymously.

Candidates for Charis housing are put through a rigorous screening process. Charis reviews credit reports, scrutinizes character references, assesses current living conditions, and interviews candidate families—twice. It chooses only eight out of every 100 applicants. Those selected must participate in seminars on everything from home maintenance to budgeting, and receive financing deals similar to Vining's. In many ways, Charis follows the model of Habitat for Humanity, the low-income homebuilder based in Americus, Georgia. But there are a few interesting twists.

Charis builds houses in mixed-income bunches called "subdivisions." Only one-third of the homes built on Charis-bought property are targeted for the working poor. Charis volunteers

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and future homeowners build these homes. But Charis invites outside contractors to develop the rest of the property, building one-third of the remaining homes for lower middle-income families and one-third for middle-income families and above. "We don't want to recreate low-income neighborhoods," says executive director Nancy Flippin.

Moreover, Charis's commitment to its beneficiaries doesn't end when the last door is hung. "You don't change somebody's life just because you put them in a new house," says Flippin. Charis homeowners make a commitment to maintain their homes and are subject to surprise inspections and foreclosure if they don't keep their end of the bargain. Charis relies on an informal network of volunteers living in the communities it serves to help Charis beneficiaries tackle the challenges of homeownership and make sure Charis homeowners succeed.

The overwhelming number do succeed. Program officials have had to foreclose on only five homes. "I was even happy to file a tax return when I could first file as a homeowner," laughs Vining. Charis homeowners in Summerhill once banded together to shut down a crack house.

Aretha Smith, a 36-year resident of Summerhill, sums up what homeowners like Vining mean to her neighborhood: "Most of them are working people over there. They're bringing the neighborhood back. Whatever they do, I just hope they keep building."

Alternative to Failing Schools

As in many big cities, Atlanta's public-school system is costly, yet not terribly successful. It spends $6,495 per student—more than school districts in Detroit, Chicago, and Los Angeles—and its students on average score just 760 on the combined SAT, below the 30th percentile on both the math and verbal sections.

Mirroring organizations in Indianapolis, San Antonio, Milwaukee, and other cities, the Children's Education Foundation (CEF) gave scholarships to 128 Atlanta school children this year to help them escape this system. CEF students now attend 45 private, mostly religiously affiliated schools and one suburban public school. Each scholarship covers half of a student's tuition up to $3,000; the average stipend is about $2,000.

CEF was founded with a $1-million grant from an anonymous private philanthropist, who has donated an additional $300,000 to cover the foundation's operating expenses and to ensure that his original investment goes directly to foundation scholarships. Families of four earning less than $28,000 per year and families of two earning less than $18,500 are eligible for scholarships, and students are awarded stipends on a first-come, first-served basis.

"My two oldest children were in public schools for two years and they had a very hard time," says Sandra Carter, a 16-year teaching veteran and mother of five, of her children's experience at Dodson Drive Elementary School. "My son was beaten up almost every day, and my daughter wasn't learning." Jason Grandison, a sixth-grader who attended West Clayton Elementary School, in College Park, recalls similar experiences. One boy even brought a gun to school. "I didn't learn much," says Jason, who had homework only one night a week and complains that his classes were too large for teachers to afford him much attention.

Now Jason attends St. Anthony's Catholic School, in Atlanta's West End. Jason, who isn't Catholic, trots to school every day in his uniform—a yellow polo shirt and blue slacks. With class size averaging 15 students, Jason and his fellow students receive plenty of individual attention. He is kept busy after school with tutoring sessions and extracurricular activities—opportunities missing at his old school. There is no violence at St. Anthony's; rules are strictly enforced. And Jason gets homework every night. "Even Fridays," Jason says.

The result: Jason's grades are up, he is more engaged in school, and he has stayed out of trouble. CEF president Chuck Johnston reports that every recipient has improved his or her performance while on scholarship. None has ever had a scholarship terminated for poor grades or bad behavior.

But the attention, discipline, and academic training that students receive at CEF schools only partly explain their academic achievements. Scholarships normally cover only about half of a student's tuition costs because parental involvement is considered critical to the program's success. "We have found the success rate is considerably higher when the parent is making a sacrifice," Johnston says.

Jason Grandison's mom, a single parent earning just $12,000 a year, has moved them into a single-bedroom apartment so they can afford Jason's $3,200 tuition. With that kind of love, it's hard to imagine that Jason will pass up his opportunity, or that his mother will let him.

Parents don't seem to mind. "Education is a

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partnership, which means parents must do their share," says parent Quinette Igherighe. And with that attitude, one man's philanthropy is becoming a winning investment. Says parent Gladys Porter, "For the future, in return for his money, he's going to get a lawyer, a teacher, and an engineer—my three kids."

Altruism for Credit

In any large city, hundreds of children drop out of school each year and get into trouble with the law. Metropolitan Atlanta's juvenile courts monitor 4,200 children on any given day through detention, probation, and counseling services. Most of these young offenders graduate neither from school nor from crime-ridden streets: Nearly 60 percent of them become repeat offenders, and 30 percent eventually move on to the adult court system.

Clayton County's experience with juvenile offenders is typical of the metropolitan area. In 1995 alone, juvenile court there received about 3,400 youth offenders for misdemeanor and felony offenses. Clayton County probation officers are each responsible for as many as 250 juvenile offenders.

So when local karate instructor Debbie Swank approached the juvenile court, offering to work with young offenders, harried veteran probation officer Suzanne Igler recalls saying, "This is a waste of my time. Let me go back to my work." Now Igler volunteers for a private agency that Swank founded to help the county's youngest delinquents.

Swank founded Hearts to Nourish Hope, based 20 minutes southwest of downtown Atlanta, to provide troubled teens with unconditional love and a sense of family. A labor of money as well as love, Debbie started Hearts with funds from her karate school, American Tang Soo Do. Now Hearts takes in 60 to 75 juveniles on probation a month. The centerpiece of its program is a food pantry operated totally by the kids.

A karate instructor operates a food pantry for the poor staffed by juvenile offenders on probation.

Working the pantry gives the teens valuable job training. They must report to work on time, maintain the facility (which doubles as Swank's karate studio), manage finances, take inventory, and solicit donations.

They also abide by a strict set of rules. Time earned toward their community-service requirements can be canceled if they shirk business responsibilities, disrespect their elders, wear gang clothing, or stir up mischief.

Anyone who has received food more than once is required to volunteer at Hearts. "We don't want to just give out food," says Amber, 15. "If you're trying, okay. But if you're just going to sit around, then you're not going to get our food."

But the pantry is much more than just a job-training program for wayward youth. The experience transforms the children, many of whom come from broken families. "Sometimes I'll come here feeling gloomy and mad at someone or something," says "T," a 15-year-old who came to Hearts after committing five burglaries. "But when someone comes for a basket [of food], it makes you feel good to have helped somebody."

Hearts's success is best gauged by the number of teens who participate in the program but don't have to. More than one-third of the teens who perform their community service through Hearts come back after their time is up.

Consider Kristy Brown, who has been incarcerated six times. On January 31, she completed 95 days in prison for totaling an uninsured car while drunk. Since her release, she has remained clean, is working as an apprentice in a hair salon, and has just taken her GED exam. She attributes her recent victories to Hearts. "This place has made a real difference. Now I want to own my own hair salon and work with teens who have had problems like mine—to give them the help I've been given here."

Hammering Home Citizenship

A consortium of construction firms is employing some of the entrepreneurial energy that has made Atlanta famous to build—literally—a better city.

A few years ago, FCS Urban Ministries wanted to convert GlenCastle, a three-story, 18th-century stockade, into affordable housing for the working poor. Atlanta's 11 largest building contractors—normally fierce competitors—collaborated on the project. They charged no overhead, no fees, and earned no profit. And they engaged in what project organizer Chris Humphreys half-jokingly calls "competitive begging": They convinced lumber yards, lighting stores, and other suppliers like Georgia Pacific, Home Depot, and Lithonia to donate materials or sell them to the contractors at cost. FCS trimmed its project expenses from an estimated $3.5 million to $2.5 million, a savings of nearly 30 percent.

Now GlenCastle, with its three-foot-thick stone walls and an imposing watch tower, houses 125 people in 68 efficiency apartments. The residents include the mentally ill, the physically

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handicapped, recovering addicts, the elderly, and single-parent families.

"When we finished GlenCastle, no one expected it to keep going," says Humphreys. "But under their own initiative, the contractors got together and said, 'let's keep it up.' "

In honor of its first project, the consortium calls itself GlenCastle Constructors, Inc. Over the last six years, it has built some of the most important nonprofit social-service ventures in Atlanta.

On land donated by Georgia Pacific, for example, they built Camp Twin Lakes—a 250-acre wooded summer oasis for kids suffering from chronic illnesses like cystic fibrosis, cancer, asthma, and kidney disease. They equipped the camp with a mini-hospital (including dialysis machines), and a wheelchair-accessible pool. GlenCastle delivered the project for $1.2 million less than it would have cost at market rates. Now about 2,000 children and 500 volunteers enjoy this privately operated and funded camp each summer. "Kids literally survive to get to their week at camp," says one camp counselor. "For some of them, it's the last fun thing they do."

GlenCastle can finance its projects as cheaply as it does in part because it will not work for groups that receive government funds. If it did, federal law would mandate that it pay "prevailing union wages"—that is, above-market wages. Instead, union and nonunion workers labor side by side for the same wages. They also avoid mountains of paperwork. "We really don't do reporting," says Humphreys. "We don't want to explain how we bought paint when we got half of it for free."

These companies can also afford to divert their manpower and resources to GlenCastle projects because participation on a project by all 11 companies minimizes the burden incurred by any single company.

Some still marvel to watch the city's leading construction firms collaborate on nonprofit projects. "I would have run over half these guys before the GlenCastle project," says Jimmy Humphries, the chairman of Humphries and Co. The 11 GlenCastle contractors beat each other up each day for 80 percent of the Atlanta construction market. But when it comes to helping the city's neediest, they have put their differences aside and their bulldozers together for nine major projects, with more planned.

The list of Atlanta's successful nonprofits doesn't stop here. There is Birthright International, which persuades 85 percent of the two thousand women who visit its Atlanta office annually for free pregnancy tests to bring their children to term. There is also Genesis Shelter, which provides transitional housing to homeless families with newborns and teaches 60 percent of them to achieve independence once they leave.

All of these agencies share three keys to success. First, they are dedicated. They have to be, because they operate on shoestring budgets and rely heavily on volunteers and the 80-hour work weeks their leaders put in. Second, they are demanding—of their beneficiaries as well as themselves. And third, they are independent. Unencumbered by the regulations that come with government social-service contracts, they are free to be innovative and flexible.

Much of Atlanta's nonprofit community, however, rejects these lessons of effective social outreach. The Open Door Community, a cooperative of Christians dedicated to serving the homeless, is philosophically opposed to helping the poor help themselves, says resident volunteer Todd Chioffi. With Task Force, it protests violations of "homeless rights," such as ordinances against aggressive pan handling and loitering; and it rallies for the city to install public urinals so that, as one man living in the Open Door Community sloganizes, the homeless can "pee for free with dignity."

The Metropolitan Atlanta Community Foundation, which hands out $12 million a year to groups like Task Force, Atlanta Legal Aid, and Georgians for Choice, refuses to give money to faith-based charities because "no one has the right to tie social services to religion." Says executive director Alicia Philipp, "In my mind that's preying on people."

Whatever their rationale, much of the city's corporate and foundation philanthropy remains disconnected from the real gold-medal winners of Atlanta's nonprofit sector. This gap is costly both in human terms and in spiritual terms: It allows social ills to persist and prevents needy Atlantans from sharing in the dreams of achievement the Olympics inspire. But should these nonprofits accept the torch that organizations like Victory House, Charis, and GlenCastle hold out for them, they will be able to tackle the truly Olympian task of building not a Potemkin village but an Atlanta of flourishing, vibrant communities.

Christopher Garcia *is the assistant editor of* Policy Review: The Journal of American Citizenship.

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Pro-Life Dilemma

By Frederica Mathewes-Green

A story like this begins perhaps a thousand times every day: A woman's hand trembles as she scans the big-city Yellow Pages. The ads for abortion clinics have flowers and birds and slogans about caring, and one shows a pretty couple grinning at each other at the seashore. That makes her start crying again. Her boyfriend never looked at her like that.

But elsewhere on the page she sees an ad showing a woman curled around a baby. The phone number ends with the letters H-O-P-E. She hadn't thought about hope, but she feels like she really needs to talk to someone who has some, right now. She dials the number.

Half a year later, she is stepping out of the Hope Pregnancy Center. It's her first visit since the birth. Her little boy fusses while everyone hugs her. She stands for a moment in the spring sunshine. She's made it through these months after all. It's taken courage, and it's been tough, but this precious child has been brought through safely and given the gift of life. Without the love of the women at the center, this child would have died. She looks down at his wizened face. He is all she has now. Tears prick her eyes again, as she turns and walks to the bus stop.

What happens to mother and child next?

"It horrifies me sometimes," says Pat Evans, the unpaid director of Birthright, a crisis-pregnancy center in Annapolis, Maryland. "She's on the list for public housing, but that housing is invariably in bad sections. But if she turns it down, she's off the list, or put back on at the bottom to wait all over again."

And how does she support herself? "She probably gets $225 a month on welfare, and there's food stamps, WIC [nutrition aid to women, infants, and children], and medical assistance," says Evans, who has counseled thousands of women in her 16 years there. "In all these years, I've seen less than a half-dozen find a way to work. Once they have that baby, how can they find a job that pays enough to buy a car to get to the job, and cover day care as well?" Evans's center, which assists about 1,200 women a year, can help some with housing for a year after the birth, but can't offer permanent housing or employment. "I don't see any answer to that; it's almost impossible. When she has a child, everything gets very hard."

America's 3,000 pregnancy centers have been rescuing women and their unborn children for 30 years now. When we list the nonbureaucratic, grass-roots organizations that are doing the most to save threatened lives, pregnancy centers must rank near the top.

These privately funded, storefront operations offer women material and emotional support free of charge, and they help hundreds of thou-

Illustration by Anatol Woolf

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sands each year to have their babies. Perhaps more than any other institution, these centers are shaping attitudes about abortion and the unborn—one person at a time—in a decidedly pro-life direction. While conservatives debate the wisdom of a pro-life agenda for the 1996 presidential campaign, tens of thousands of volunteers are quietly keeping a candle glowing through the darkest night of many women's lives.

In the old joke, a grandmother peevishly greets the exhausted hero who has just rescued her grandson from a frozen lake: "But where are his mittens?" The pregnancy centers and their staff endure difficult, lifesaving work, little or no pay, and obscurity occasionally alleviated by insult. It hardly seems right for those of us who value these centers' hard work to punctuate our praise with grumbling about lost mittens. But the recent evolution in society's attitudes toward welfare compel a closer look.

For all the good crisis-pregnancy centers do, 80 to 90 percent of their clients—about 200,000 a year—eventually set up single-parent households. Most of these mothers and their children soon find themselves on their own, with no reliable means of financial support. Many end up permanently dependent on government welfare. Some even slip into homelessness. And we all know the eventual outcomes for many of the children born into such households: poverty, low academic achievement, susceptibility to crime. If pregnancy-counseling centers are to serve the best long-term interests of children, many of them will need to think beyond pregnancy and birth—to finding each one a two-parent home.

A Welfare World View

To Evans and others like her, welfare is a necessity. Without it, the young women they serve would grow even more desolate and desperate. "We do put people on welfare," says Evans. "We do create the single-parent homes, but at least the baby is alive. Someone has to help us if this is going to change. As it is, the volunteers are doing it all themselves—counseling, giving supplies, taking women to live in their homes."

But it is important to acknowledge that welfare causes more crisis pregnancies. By making single-parent households possible, welfare dollars remove the stigma of sex and pregnancy outside marriage. Girls who grow up without a father are more than twice as likely to have a baby out of wedlock themselves.

It is time for the pregnancy-care movement to broaden its vision of how best to help unwed mothers. Such a change has already begun in the last six years or so. The movement once focused narrowly on saving unborn babies; now it emphasizes giving the mother practical support so she can save her own child.

The movement's next step is to seek the best possible future for both mother and child. Too often, the crisis mentality of the moment envisions only two possibilities: The woman will have an abortion, or she'll "keep the baby," usually as a single mom. In reality, there are two other options that merit pro-lifers' support.

A poll conducted by Family Research Council in 1995 asked respondents which course they thought would be best for an unwed, pregnant teen. Twenty-nine percent thought her best choice was to place the child for adoption. Slightly fewer, 24 percent, felt she should marry the father of the child. Eleven percent thought single-parenting was her best course. Only 8 percent recommended abortion.

Reality turns these numbers upside down. In 1991, 46 percent of pregnancies to unwed mothers ended in abortion. Most of the rest, 44 percent, were carried to term. (Miscarriages make up the difference.) Of those births to unwed moms, only 2 percent were placed for adoption; the remainder of the unwed moms kept their babies. How many of those also married the babies' dads is unknown; pregnancy-care workers reckon the figure is quite low.

If the pregnancy-care movement could find effective ways to encourage women to choose adoption, they could help give children a two-parent home and offer both the children and their moms greater security. By thinking beyond merely "saving that baby" or getting the woman through pregnancy, counselors can help bolster

Pregnancy Centers And the Welfare Trap

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the social institutions that undergird a healthy society and replace welfare bureaucracy with family-based alternatives.

Talking about Adoption

Most two-parent homes are created by marriage, and a few pregnancy centers encourage their clients to consider this option. But in general, pregnancy centers seem better equipped to incorporate the adoption option into their work. June Ring, the coordinator of adoption resources for Presbyterians Pro-life, is one of a handful of pro-lifers who are charting such a course. She has devised a seminar, "Adoption: Making a Plan for Life," to train the center's staff to present adoption as an attractive alternative. The counselors' first duty is to raise the topic in the first place. "One study found that in 40 percent of counseling situations, adoption was not even mentioned to the client as an option," Ring says, "even though the majority of counselors felt favorably toward adoption." She proposes that pregnancy-care workers resolve to mention adoption to every single client.

According to the National Council for Adoption, a 1991 study found that pregnant, unmarried teens who were counseled in a program that mentioned adoption to every client were seven times more likely to choose it. When the teen's parents were involved in counseling, they were six times more likely to choose adoption. Teens asked to compare adoption with single parenting were also six times more likely to choose adoption.

But pregnancy centers are cautious about how they discuss this option. Some women who placed their infants for adoption have subsequently sued the centers where they had received counseling, saying they had felt coerced. In Florida, state authorities warned a pregnancy center that volunteers could not discuss adoption with clients, since the center was not a licensed adoption agency. A federal court later declared this "gag rule" unconstitutional.

Incidents like these tend to scare off cash-poor pregnancy centers. They may use a "reality therapy" approach, helping clients compare the tough life of a single parent with that of a mom who chooses adoption, but they won't state that adoption is better. "We don't coerce, convince, or make the decisions, but we do give complete, objective, and accurate information," Ring says. "We want the client to consider adoption equally and in as much depth as other options."

One problem many centers confront is the one-visit client. A woman comes in for a free pregnancy test, gets a positive result, and leaves, never to be seen again. Even then, Ring says, the center can "plant an adoption seed" by mentioning that alternative. "Emphasize her motherhood," says Ring. A positive result on the pregnancy test means she's already the mother of an unborn child. What does she think goes into being a good parent? Might those be things an adoptive couple could do for her child? "Help her see that planning an adoption can accomplish those parenting goals for her."

Ring's cool phrasing about helping the woman "accomplish parenting goals" avoids a trap that ensnares some unwitting pregnancy workers. When counselors see only two alternatives, aborting the child or giving it life, they may try to tip the scale toward life by awakening the maternal instinct. As the woman falls in love with her unborn baby, the center may shower her with baby gifts, give her a handmade quilt or blanket, and introduce her to previous clients who are now cuddling beautiful babies. Once her maternal emotions are ignited, the mom might not be able to let her child go. (The 1991 study cited above found that pregnant teens counseled in programs that introduced them to teen parents were four times *less* likely to choose adoption.)

Counselors must strike a delicate balance: Encourage mothers-to-be to love their babies enough to give them life, yet still be willing to place them with two-parent homes. To some women, planning for adoption smacks of abandoning the child and of being a bad mother.

Anne Pierson, of a group called Loving and Caring, is also trying to increase awareness of adoption. Pierson, who offers training to pregnancy centers and maternity homes, has incorporated Ring's materials into her "A Future and a Hope" seminar. "The pregnant woman needs to see that she's giving the child the gift of a family," Pierson says, "not that she's giving the adoptive couple the gift of a child. She is being a very good parent by making a good plan for the child."

While counselors target the client, Pierson targets the counselors. Those who have had children may harbor an unconscious bias against adoption, she says, because many cannot understand how another mom could "give up" her own child. "We find that one reason counselors are ineffective in presenting adoption is that it's not settled in their own hearts," says Pierson. "They don't understand what it means to be an

When counselors steer women away from abortion, they often end up encouraging single-parenting and neglecting adoption.

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adopted child of God; they don't understand Scripture." Pierson believes that a better understanding of the biblical teaching about adoption—how it suggests God's unconditional acceptance of people into his spiritual family—can help counselors present it more effectively.

Counselors need practical advice as well, and Loving and Caring is setting up seminars to deliver it. "We work with them on key issues: how to bring it up, how to talk about it, the experience of grieving, the mom's experience of learning new things about herself," says Pierson. "The journey of adoption, the entire process, is as important as the decision itself."

At the LIGHT House maternity home in Kansas City, Missouri, 10 percent of the clients—well above the national average—choose adoption. One reason is that the home strips away myths about motherhood, adoption, and abortion. "We don't push one decision or another, but we do help them make an informed decision," says Shirley Gibson, the director of residential services and adoption. "We want them to have a realistic view of being a single parent—not only the financial but the emotional cost." Residents talk frankly about the good and bad sides of any decision, including the grief they may feel after an adoption placement. But it's hard not to be starry-eyed over the prospect of cuddling a sweet baby.

Instead of a pink cherub, however, clients get to hold "Baby Jamie"—an electronic infant that records such things as how long the girl takes to respond when it cries, how long to feed it, and whether it's being abused. Girls who think they'd like to parent can take a turn with Baby Jamie. They must carry a diaper bag and get up in the night for "feedings," while keeping to their regular school schedule.

Another reason for the high adoption rate at LIGHT House is its emphasis on reaching abortion-minded women. "Women who are considering abortion are more open to adoption," says Gibson. "Some people don't mind being pregnant. All they want is free medical care. Our primary goal is alternatives to abortion." If the woman is considering abortion because she doesn't want to raise a baby, adoption can accomplish her goal as well.

In addition to individual counseling, women contemplating adoption participate in an intensive, 20-week adoption class. The course covers everything from legal issues like the birth father's rights to preparing for birth, handling grief, and deciding whether to write a letter to the child that the adoptive parents can put aside for later. (The LIGHT House does not encourage ongoing contact between the birth mother and the adoptive family.) "The scariest part is these feelings you're having," Gibson says. "You think you're the only one having them. It's reassuring to learn that [all] birth mothers feel the same way. After the birth, if you feel like changing your mind, that might be an intellectual decision—or it might be an emotional decision. We ask them to think: Are the reasons you initially decided for adoption still valid?"

Most pregnancy counselors agree that adoption needs to become more visible. Mariam Bell, a would-be adoptive mom in Annandale, Virginia, spends many Saturday mornings with friends setting up a table outside a nearby abortion clinic. The table is covered with a gingham cloth, and stocked with coffee and doughnuts; helium balloons and signs reading "Choose Adoption" and "We Care About You" complete the scene. If cars pause on the way in, Bell hands the passengers a packet containing information about adoption and profiles of prospective adoptive couples. Many passengers stop to talk, then leave without entering the clinic.

Women who are considering abortion are more open to adoption, says one counselor.

"Many girls are crying as they're being driven in," Bell says. "They're not joyfully exercising some right to privacy; they are in trauma. Seeing that was very important in reinforcing my belief that this is the approach we need to take." An approach, that is, that demonstrates pro-lifers can stand outside an abortion clinic doing something peaceful, positive, and ultimately hopeful.

Among society's most pressing problems is the seemingly endless supply of pregnancies to unwed mothers. Pregnancy centers have 30 years' experience in offering mothers the personal support and encouragement needed to make a life-affirming choice. But once born, that baby deserves a better life than welfare and single-parenting can offer. Pregnancy centers, which have already done so much to better the prospects of women and children, need to expand their vision one more time. They should do far more to encourage mothers to consider adoption. This is less a criticism of pregnancy centers' valiant work than a discovery. It turns out that we've found the mittens after all. We just need to put them to use.

Frederica Mathewes-Green *is a syndicated columnist and the author of* Real Choices: Offering Practical, Life-Affirming Alternatives to Abortion (Questar, 1994).

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City Hall's **License to Kill** *Civil Society*

By William H. Mellor

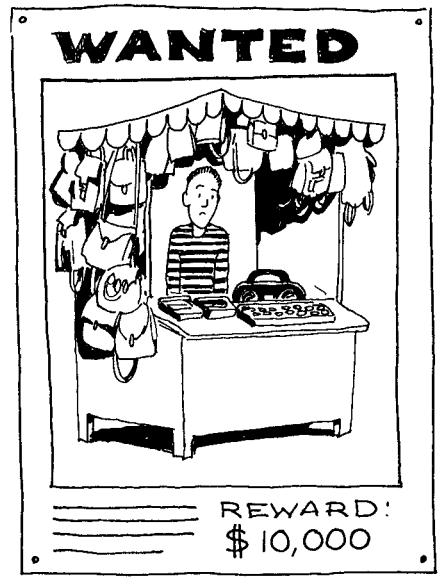
The sharp knock at the door provoked a frown on the face of Taalib-Din Abdul Uqdah. As the co-owner and manager of Cornrows & Co., the first African hair-braiding salon in the District of Columbia, Uqdah was in the midst of another busy day, and the persistent knocking was an unwelcome interruption.

Uqdah found himself face-to-face with the enforcement officer from the D.C. Board of Cosmetology, who demanded to see Uqdah's cosmetology license. Uqdah replied he had not realized that he needed one, and promised to apply promptly.

Imagine his surprise when he found out that in order to braid hair in the District of Columbia, he had to complete at least 1,500 hours of prescribed training (more than eight months full time) in one of a handful of licensed cosmetology schools, which charged between $3,500 and $5,000. Applicants were required to master chemical and heat treatments of hair (which are irrelevant to braiding) and spend 125 hours practicing shampooing techniques. Each of the 10 people employed by Uqdah had to be licensed this way, and as a manager, Uqdah was required to take further training.

Unable to afford such time and expense, Uqdah and his wife, Pamela, decided to stay open without a license. Soon the cosmetology police returned, this time with a cease-and-desist order. Uqdah faced a choice: close his business for months while he went to school, or continue to operate without a license and confront the prospect of hefty fines and up to 90 days in jail. Uqdah came to us at the Institute for Justice for help.

In the ensuing months, we fought the D.C. Board of Cosmetology in court while Uqdah continued to practice his trade and drew national attention to his plight. The city council finally capit-



Illustrations by Anatol Woolf

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ulated and deregulated the cosmetology profession to permit hairbraiding without arbitrary and excessive licensing requirements. Today Cornrows & Co. continues to thrive; ABC's *20/20* has called the business a "shining example of neighborhood success." But the victory did not come cheap. "I fought the cosmetology board for 10 years," Uqdah says. "I think about all the things I could have done . . . if I hadn't been so consumed by my struggle just to earn an honest buck. That's when I get mad."

The lost opportunity, frustrated dreams, and wasted energy that Uqdah laments should outrage all who care about civil society. Not because of this injustice alone, but because the story of Cornrows & Co. is repeated endlessly in cities nationwide, in countless other business and social-service ventures. The cumulative harm casts a pall over the initiative, voluntary association, and spirit of self-help essential to the well-being of individuals and communities.

Policymakers speak of the need to foster vibrant neighborhoods and end the culture of welfare dependency. The devolution of federal power to the states is in vogue among conservatives, but will do nothing to alleviate the suffering of Uqdah and others like him, because their sorrows stem almost entirely from the actions of state and local governments.

All across America, licensing and credentialing requirements imposed by law set the conditions of entry into an astonishing array of activities. These requirements block individuals from engaging in perfectly legitimate enterprises. Sometimes the government sets arbitrary limits on the number of licenses or permits it will grant. For instance, until recently New York City's notorious medallion system had for 60 years capped the number of taxicabs in Manhattan at 11,787. Often the requirements imposed by the credentialing process are so onerous that many find the cost of compliance prohibitive.

Government regimes of licensing and credentialing are shutting down businesses and thwarting entrepreneurs.

The main rationale for this government credentialism is, of course, protecting the health and safety of the public. And indeed, our Constitution gives state governments the authority to regulate activities for this purpose. Thus the government may legitimately require restaurants to maintain sanitary food-preparation facilities, set speed limits for public roads, and demand that taxicabs carry adequate liability insurance. The very nature of credentialism, however, provides governments with opportunities and incentives to attach conditions to the licenses. As the number of conditions grows, their link to legitimate public concerns wears thin.

Thirty-four years ago, Milton Friedman offered an indictment of occupational licensing and government credentialism that is even more compelling today. Licensure, Friedman noted in *Capitalism and Freedom*, "almost inevitably becomes a tool in the hands of a special producer group to maintain a monopoly position at the expense of the rest of the public. There is no way to avoid this result." Indeed, the D.C. Board of Cosmetology that pursued Uqdah with such determination was composed entirely of other cosmetologists.

To understand the pervasiveness and danger of government credentialism in everyday affairs, one can find no better environment than New York City. Thanks largely to immigrants, New York is famous the world over for its history of enterprise. Today, new waves of immigrants from the Caribbean, Latin America, and Eastern Europe, along with the native-born New York poor, are following the entrepreneurial path of previous generations. By many accounts, the city is enjoying a boom in enterprising persons of modest means.

The city's ubiquitous Korean grocers are per-

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haps the best known. Consider some other examples drawn from research undertaken for the Institute for Justice by Howard Husock of Harvard's John F. Kennedy School of Government:

- In Brooklyn and Queens, hundreds of vans, most of them owned and operated by immigrants from the Caribbean, carry passengers from the subway lines to the city's growing middle-class minority neighborhoods. Their fares are lower than those of public buses, and many patrons believe the van service is more comfortable and reliable.
- In Harlem, as well as in many black neighborhoods in Brooklyn and Queens, salons specializing in African-style hairbraiding spring up almost overnight. These stylists are so popular that they can fetch prices of up to $200 per customer.
- On street corners, in vacant lots, and in weekend street fairs, street vendors—some Caribbean, some West African—from Harlem to the Jamaica section of Queens hawk basic commodities such as ties, umbrellas, and T-shirts, along with imported "Afrocentric" books and novelties. Southern-born African Americans, too, are involved in individual enterprise, preparing barbecued foods or sweet potato pie in their kitchens for sale on street corners or in neighborhood "farmer's markets." An estimated 25,000 such street vendors do business in the city.
- Outside of Manhattan, there are more than 20,000 providers of "car service," radio-dispatched taxis that pick up customers who call and transport them for a pre-arranged fee. Car-service drivers with their own cars can easily enter the business in a city where almost half of all households do not own cars.

It is in many ways an inspiring picture—until one realizes that all of these self-employed entrepreneurs may face arrest at any time.

Most van drivers—or providers of "community transportation," as they like to say—are unlikely to receive a license. Even if they do, they face fines or even confiscation of their vehicle for such offenses as picking up passengers at public bus stops. In essence, their activity is illegal because they compete with publicly operated buses.

Hairbraiders cannot be licensed by the state of New York and face peremptory shut-down, unless they take more than five months of classes. Much of this curriculum teaches aspects of hairstyling and treatment they will never need. Many are said to move from one clandestine location to another, particularly in and around Harlem's 125th Street, to avoid closure.

Street vendors who want a legal permit to sell their wares find that there are three to four times more working vendors than permits available. The city's Office of Consumer Affairs, to which vendors must apply, knows that the permits become available so rarely that it will not even hand out the permit application to prospective vendors.

Car-service drivers face no such limit on their number. But should they seek customers by responding to a simple hail on the street, like traditional taxis, rather than through a radio dispatch, they face discipline by the city's Taxi and Limousine Commission. Drivers who aspire to operate a taxi legally in the city's lucrative markets in midtown and lower Manhattan will find it is next to impossible. The city has placed a cap on the number of taxi medallions, which authorize drivers to pick up passengers on the streets of New York. The price of a medallion on the private market exceeds $200,000.

Milton Friedman once noted that licensure becomes a tool in the hands of one group to maintain a monopoly position.

The city's occupational license and permit laws occupy 73 pages in the Official Directory of the City of New York. One needs a license to offer a weight-reduction class, to repair videocassette recorders or install ventilation systems, to work as an usher or sell tickets at wrestling matches, to work as a security guard or remove and dump snow and ice, to set up a parking lot or a junk shop.

The requirements of this omnipresent licensing regime lacks any semblance of coherence. Compare the 1,000 hours of training needed to become a cosmetologist with the 116 hours to qualify as an emergency medical technician (with advanced training in the use of heart defibrillation), and the 47 hours to be an armed security guard trained in the use of deadly force.

New York may be unique, but Vietnamese manicurists in San Diego, cab drivers in Boston, and street merchants in Charlotte can testify to the pervasiveness of such barriers. Government credentialism clearly stands in the way of economic opportunity, particularly for those of modest means. Were that its only effect, its toll on civil society would be severe. But its corrosive presence extends beyond the realm of enterprise.

We see throughout our society the growing professionalization of activities and careers. This can be seen as an extension of American meritocracy, which rewards achievement and specialization. As a result, increasingly technocratic distinctions and titles separate the professional and

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the nonprofessional. Government credentialism reflects and enforces the stigma attached to the nonprofessional in law, policy, and social intercourse. The professional is presumed more capable than volunteers or others without the proper credentials. Such presumption, which pervades our society, is the legacy of the Progressives' faith in experts.

This should trouble those of us who seek to foster the voluntary interaction, charitable impulses, and locally tailored programs essential to civil society. Spontaneous efforts to control crime or provide child care are viewed as quaint stopgap measures, useful only until government can impose a comprehensive professional program.

Nowhere is this more evident than in the condescension directed toward small, religiously motivated self-help programs. Typically these programs draw on the inspiration and energy of individuals imbued with a strong religious faith and personal experience with the problem they seek to address. They may have taught themselves from the Bible or Koran, or received formal education from small bible colleges far removed geographically and philosophically from the Kennedy School of Government or the Harvard Divinity School.

By contrast, the spirit of credentialing presumes that comprehensive solutions to social problems require sophistication, uniformity, and standardization. Perhaps no more telling example can be found than in the friction that exists between state licensing agencies and faith-based drug and alcohol treatment facilities.

In an effort to protect vulnerable addicts, government regulatory agencies typically oversee minute details of day-to-day treatment in state-licensed, state-funded rehab centers. The staff at these centers—clinicians, counselors, therapists—must conform to state-imposed standards. Treatment approaches are also tightly regulated by government fiat. In short, any group licensed to offer rehabilitation services will do so according to a pre-determined government script.

There are numerous privately funded treatment centers that eschew government licensing and the regulatory hooks that come with it. But their days may be numbered. Consider Teen Challenge, the largest and most successful private, faith-based program for helping drug and alcohol abusers. Lately, the government's attitude toward such agencies seems to be this: You can run, but you can't hide.

Like the students he taught at Teen Challenge in San Antonio, Reverend Jim Heurich was a former alcoholic and drug abuser. After years of self-destructive behavior and unsuccessful treatments for his problem, Heurich entered the Teen Challenge program and committed his life to Christ. He now runs the San Antonio office.

Teen Challenge programs in San Antonio and nationwide achieve a dramatically high success rate among individuals who complete the year-long program—as high as 70 percent, according to one government study. State-sanctioned programs manage only single-digit or low double-digit success rates. Moreover, the Texas chapter achieves its results for $25 to $30 a day, or at about 3 percent of the cost of government-licensed programs.

The Texas Commission on Alcohol and Drug Abuse (TCADA) determined that it was illegal to "offer or purport to offer chemical-dependency treatment without a license." In 1995, TCADA notified Teen Challenge of San Antonio that it had to have a license to continue its program. Fines of up to $25,000 a day and imprisonment awaited those who practiced chemical-dependency treatment without a license. It was of no importance that the San Antonio chapter had been treating addicts since 1969 and boasted a solid record of success.

Teen Challenge had to meet state standards and adopt the therapeutic model of treatment favored by the state. Under this model, staff members had to be "qualified credentialed counselors" trained to treat drug and alcohol abuse as a disease from which one is never cured. Program and reporting requirements would compel Teen Challenge to internalize this medical model of treatment in profound and subtle ways. State requirements, for instance, forbade chemical-dependency treatment programs from "shaming" an individual receiving treatment.

Heurich quickly realized that a license from TCADA carried with it the corruption of everything that made Teen Challenge successful.

In New York, one needs a license to repair VCRs, offer a weight-reduction class, or sell wrestling tickets.

That's because its success lies in its religious mission. Anyone seeking help, says Heurich, is challenged to "establish a personal relationship with Jesus Christ." According to Dave Batty, Teen Challenge's national curriculum coordinator, "This central spiritual dynamic is the foundation on which all aspects of the Teen Challenge program are built."

The Teen Challenge staff views drug and alcohol abuse not as a disease, but as a sin manifesting a life lived outside the teachings of God. So when

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an addict voluntarily enters a Teen Challenge program, he or she renounces sin and begins to live a life built on a personal commitment to follow Christ. From that moment on, the addict is considered cured of the "life control" problems associated with drug and alcohol abuse.

TCADA frowned on such an unsophisticated and unprofessional approach, and threatened to shut the program down. When the Institute for Justice joined with the National Center for Neighborhood Enterprise to serve notice on TCADA that Teen Challenge was ready to go to court to fight the requirements, TCADA backed down. Negotiations eventually led to a consent order signed by TCADA that allows Teen Challenge to continue its program as before, uncorrupted by credentialing requirements. And Texas governor George Bush created a task force to develop legislation to ensure that faith-based treatment programs are not placed in jeopardy by arbitrary state requirements. Although Heurich breathes easier today, licensing and credentialing requirements still pose a threat to other efforts that treat drug and alcohol abuse through programs based on religious faith.

Excessive licensing requirements frustrate other important nongovernmental responses to social needs. Take, for example, child care, where the state has a long-recognized role in protecting children. The continued presence of women in the work force and increased pressure on women receiving public assistance to seek employment combine to keep demand for child care high. Why is our perception so strong that child care is scarce? It may be that those who need child care simply wish the price to be lower for service at the level of quality they desire. But what if the shortage were caused by legal requirements that make it more difficult for private providers to offer "affordable" child care?

In New York City, the latter explanation seems more plausible. A group day-care center (defined as a freestanding facility for seven or more children) outside one's own home must be approved by inspectors from the city's building department, fire department, and public-health department. But the city also imposes demanding occupational licensing requirements. The city's Bureau of Day Care requires that child-care workers meet the same certification requirements as school teachers. A center director must either obtain a master's degree or enroll in a master's program upon being licensed. At least one staff member must have child-abuse prevention training, CPR training, and two health-related courses in child development. In addition, the city government limits the number of children in specific age groups and even regulates the type and amount of snacks to be served.

As we debate how best to move from the leviathan of the regulatory welfare state to a decentralized, voluntary civil society, we must consider how to foster the spirit of enterprise and self-help essential to successful transition. We must question the basic legitimacy of conditions imposed under police power licensing authority. Do the means used relate closely to the desired ends? Those that do not relate to legitimate public-health and safety concerns must be eliminated.

We must then look to nongovernmental means of providing information and monitoring performance of services and professions. *Consumer Reports* offers the best-known example of this, but professional associations, the Better Business Bureau, and consumer watchdog groups can all play a larger role.

For the matters of greatest concern to government, certification is preferred to licensing. Under certification schemes, a provider of goods or services can choose to obtain certification, but is not penalized for choosing not to do so. As Milton Friedman noted, again in *Capitalism and Freedom*:

"The usual arguments for licensure, and in particular the paternalistic arguments for licensure, are satisfied almost entirely by certification alone. If the argument is that we are too ignorant to judge good practitioners, all that is needed is to make the relevant information available. If, in full knowledge, we still want to go to someone who is not certified, that is our business."

The answer will not lie with uniform national solutions or the use of funds from the federal government to pave the way. These approaches, however well intended, will inevitably carry incentives and temptations that will corrupt the individuals and organizations they seek to help. Instead, we should remove the barriers erected by government that stand in the way of individual efforts to foster civil society. A good place to start would be licensing and credentialing laws that, in the name of professionalism, uniformity, and standardization, stifle the very attributes that lead individuals to make the world a better place.

Licensing requirements threaten efforts to treat drug and alcohol abuse through programs based on religious faith.

William H. Mellor *is the president and general counsel of the Institute for Justice, a public-interest legal organization based in Washington, D.C.*

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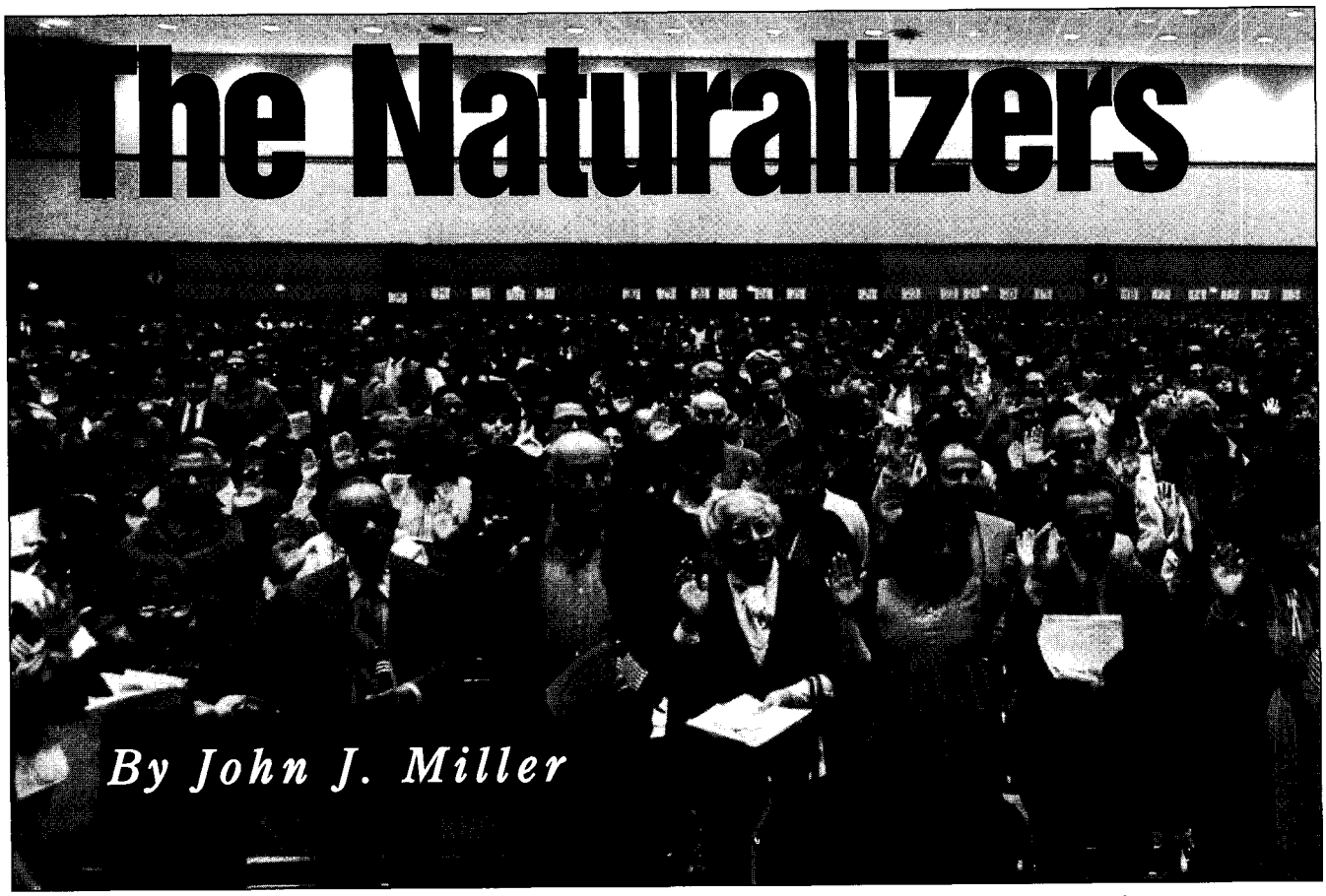
The Naturalizers



By John J. Miller

Come November, hundreds of thousands of immigrants are likely to cast their first votes in a presidential election. That's because record levels of foreigners have filed applications for citizenship with the Immigration and Naturalization Service (INS). Last year, 1.2 million of them formally sought citizenship, up from an annual average of only 230,000 in the 1980s. To handle these numbers, the INS has pumped an extra $80 million into its naturalization budget. But the waiting list continues to grow.

This rush to citizenship offers us both opportunity and danger. We have the opportunity to help more immigrants become Americans, and thus protect our country from the dangers of Bosnia-style multiculturalism or Quebec-style separatism. The danger is that, to cope with the volume of applications, the INS will lower its naturalization standards and devalue citizenship like a worthless peso.

Preparation for the tests and ceremony of citizenship has long been a powerful instrument of unity, an engine of assimilation that turns newcomers into U.S. citizens who understand our political traditions and are proud to be Americans. A citizenship ceremony is among the most moving events in American public life. Patriotic songs and colorful speeches about freedom and opportunity fill the program. The event concludes with a duty-bound oath in which immigrants forsake foreign political allegiances and pledge themselves wholly to their new country. As new citizens pick up their official citizenship papers, they also receive small American flags and voting information. Friends and family greet them outside. The day will be remembered the way most Americans remember graduations, weddings, and the birth of children.

All of the difficult moments leading up to citizenship reinforce its meaning for the participants. In order to naturalize, immigrants must live in the United States for five years. They must pass an FBI criminal background check. Ultimately, they will have to be interviewed by an INS officer and demonstrate the ability to speak, read, and write in English (with some exceptions for elderly applicants) and pass a test on U.S. history and government. Only those who really want citizenship will get it. And when they do, they enjoy a satisfaction that most other Americans can never experience. "Citizenship makes me feel at home in America, like I really belong

Photo from the Bettmann Archive

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here," said Mohsen Borhani, an immigrant from Iran, shortly before he became a citizen last fall.

This process of naturalization, and the accumulation of enough cultural capital to acquire citizenship, ultimately yields more than a set of political entitlements. It infuses new citizens with a sense of duty and loyalty to their new home. "I am no longer a Canadian and it is long past time to assume the responsibility that comes with American citizenship," said Adele Hardwick, a Canadian immigrant, right before she naturalized last November. "The right to vote is a great privilege," added the German-born Erling Hans Ulstein. "I would like to take part in the democratic process and know that I didn't just live and work here, but did my part as an American citizen," he said.

The INS threatens to devalue the standards for American citizenship like a worthless peso.

With so many new applications for citizenship, however, the INS is threatening to lower its standards to the point where naturalization is no longer a meaningful experience. Naturalization receives little sustained attention from academics, politicians, and the media. Perhaps as a consequence, our notion of citizenship has cheapened since the turn of the century. Like a school that advances failing students to the next grade, the INS now pressures its examiners to push potential citizens through the system quickly, even if they are questionable candidates. Agents hint that their superiors are more concerned about meeting a quota than making sure everybody does a good, thorough job.

"We have about 15 minutes for each interview," says Dan Childs, an INS officer based in Arlington, Virginia. "If I want to take a little extra time to check something, it really backs things up. We're always behind, even if things go smoothly. I usually skip my lunch hour just to catch up. You can guess what you want about the INS giving us so many appointments and so little time." What's more, the tests on U.S. history and government are hardly demanding. In the Arlington office, successful applicants need to score only seven out of 12, or 58 percent.

The INS is now considering lowering its standards even further. The agency is reviewing proposals to water down the language requirements and exempt entire classes of immigrants from the test on U.S. history and government. INS Commissioner Doris Meissner has even suggested eliminating altogether the mandatory personal interviews in order to save time, and a battery of civil-rights organizations have egged her on. Hispanic activist Harry Pachon says that the National Association of Latino Elected and Appointed Officials, which he used to head, promotes naturalization because citizenship "is the missing ingredient to Latino empowerment strategies."

For activists like Pachon, naturalization is not an important aspect of the complicated assimilation process, but a political power grab. The easier, the better. Leticia Quezada of the Los Angeles School Board wants to break down the distinction between citizens and noncitizens entirely by giving the vote to people who have not naturalized. "At one time only white males could vote," she says. "My position is that it's time we cross the line in terms of citizenship." Illegal aliens are already counted as constituents in congressional apportionment under the rules of the 1982 Voting Rights Act, even though they can't vote. California, for example, may have as many as three extra seats in Congress because of its illegal immigrant population.

Statements and policies like these won't calm Americans' jitters about immigrants. In one recent poll, 66 percent said that the United States is no longer a melting pot. Around the globe, they see cultural differences tearing countries apart. Many Americans are beginning to wonder: If immigrants in all of their racial, ethnic, and linguistic diversity fuel the "balkanization" of America, then what good are they? Naturalization is the only legal instrument that allows the United States—a "nation of immigrants"—to decide who is an American and who is not. Without it, the cohesive United States resembles the fractured United Nations.

Americans once expected immigrants to naturalize—and to do it for the right reasons. In the early part of this century, a broad social movement set its sights on the "Americanization" of the U.S. foreign-born population. The Americanization Movement was in essence an educational drive to promote the assimilation of the millions of immigrants from eastern and southern Europe who swarmed to the United States on the eve of the First World War. The Americanizers, according to historian Edward George Hartmann, encouraged a barrage of "special classes, lectures, and mass meetings, where [immigrants] might be instructed in the language, the ideals, and outlook on life which had come to be accepted as the traditional American point of view." They made naturalization central to their efforts, since it would help transform foreign nationals into patriotic Americans.

This was the vision of the Founding Fathers for their new republic. Their main concern regarding immigration was whether newcomers

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would rid themselves of any undemocratic principles that they might have learned in unfree lands. Would America's openness ultimately usher in people with opposing values?

"To admit foreigners indiscriminately to the rights of citizens, the moment they put foot in our country," wrote Alexander Hamilton, "would be nothing less than to admit the Grecian horse into the citadel of our liberty and sovereignty." The solution, according to Hamilton, was to draw immigrants gradually into civil society, "to enable aliens to get rid of foreign and acquire American attachments; to learn the principles and imbibe the spirit of our government; and to admit of a philosophy at least, of their feeling a real interest in our affairs."

The Americanization Movement drew from these principles. When President William McKinley fell in 1901 to the bullet of anarchist Leon Czolgosz—an American by birth but of obvious foreign parentage—people looked to naturalization, not restriction, as an answer to their so-called immigrant problem. After McKinley's death, the Sons of the American Revolution rushed to print a small leaflet entitled *A Welcome to Immigrants and Some Good Advice.* It urged immigrants to become citizens as soon as possible.

Since 1907, more than 13 million immigrants have become citizens. According to the 1990 Census, more than half of all adult immigrants who had arrived before 1985 were citizens in 1989. Even so, few immigrants come to the United States because they want to be Americanized. The vast majority migrate to improve their economic status. Assimilation, however, starts to work on newcomers immediately as they pick up a few words of English and become familiar with American customs and mores. Any decision to naturalize comes gradually. The choice is very difficult, because it involves thorny questions of loyalty, identity, and family. Naturalization may lead to full membership in American society, but it can also seem like a betrayal of one's heritage.

But as the years go by, immigrants form families, buy homes, and sink roots in the community. They begin to understand how citizenship can improve their quality of life. Like any characteristic of assimilation, the rate of naturalization increases over time. By the end of 1993, about 38 percent of immigrants who arrived in 1982 had naturalized, as had about 41 percent of those who came in 1977. Immigrants who naturalize typically do so after living in the United States for about 10 years. Asians and Africans tend to naturalize more quickly than other groups. Canadians and Mexicans tend to wait the longest.

The bureaucratic inefficiencies of the INS—which has a reputation for being one of the worst-run federal agencies—stand in the way of many applicants. One study estimates that a third of all applicants abandon their quest for citizenship before any formal resolution. In some INS districts, the wait between the first application and the actual citizenship ceremony can be two years. With dozens of forms, questions, and interviews to navigate, it is easy to give up.

For those who persevere, the formal citizenship interview is the cornerstone of the process. The one-on-one encounter with an INS officer lasts for about 15 minutes. Nobody but a lawyer may accompany the naturalization applicant. The INS examiner's first priority is to make sure that every form in the citizenship application is complete and that the FBI criminal background check has not turned up anything unsavory. His second task is to determine a candidate's English-speaking ability.

The test on U.S. history and government is next. The exams all draw their content from a series of short books published by the INS. Their actual administration, however, can vary considerably among the INS districts, which are allowed to develop their own testing procedures. They may be conducted orally or in written form. Applicants who pass a fill-in-the blank test generally are assumed to have met the English-language reading and writing requirements. The questions are simple enough: "Who was the first president of the United States?" "Why do we have a holiday on the 4th of July?" "Who makes the laws in the United States?" They also may ask applicants to name their governor or one of their senators. Some questions have several possible answers. If a test asks "Who was Abraham Lincoln?", an INS examiner will accept any of these responses: the 16th president, author of the Emancipation Proclamation, deliverer of the Gettysburg Address, president during the Civil War, the president who freed the slaves, and so on. Some of the questions are a little tricky. If asked "Who elects the president?", most Americans will say, "the people." The correct answer, however, is the electoral college.

Passing the exam does not require a perfect score. The INS office in Seattle, for example, uses an oral test with 16 questions—eight in his-

The Oath of Citizenship

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or a citizen; that I will support and defend the Constitution and the laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by law; that I will perform noncombatant service in the Armed Forces of the United States, when required by the law; that I will perform work of national importance under civilian direction when required by law; and that I take this obligation freely without any mental reservation of purpose of evasion; so help me God.

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tory and eight in government. Four correct in each category earns a passing grade. In truth, the majority of test-takers do not squeak by—they do quite well. Most score in the 80 to 90 percent range. Scores of 100 percent are common.

The Americanization Movement of the early 20th century viewed the classroom as an important tool, both to teach newcomers how to speak English and to instill them with the value of citizenship. Immigrant-aid organizations, community colleges, and adult education programs continue to offer citizenship training courses today, but their impact on the foreign-born population is probably not as great as it was 80 years ago. Part of the problem is that public agencies like the INS do not encourage immigrants to enroll in citizenship education. Cost is not the reason, since civics instruction is cheap. Rather, they generally have not engaged in the types of innovative partnerships with local groups that can boost interest in naturalization, streamline the INS, and ultimately Americanize people who might otherwise be left out of the system.

One exception, however, can be found in Seattle, Washington. A program there could serve as a model for the whole country and allow a new spirit of Americanization to regain a foothold in the naturalization process.

Students who enroll in one of the 21 citizenship classes offered by community colleges, churches, and immigrant-aid organizations in the region receive special consideration from the INS. They are screened for English fluency and pay a tuition of $60 to $120, depending on where they learn, in addition to standard INS application fees. But instead of waiting half a year for their INS interview, as is common in Seattle, students wait just 10 weeks. During this period, they attend citizenship class and prepare for the INS exam, which they take in the 10th week. The waiting list for the initiative has hundreds of immigrants on it.

For three hours a night, four nights a week, Greg Gourley serves as an an instructor in the program. He tells his students what they will need to know in order to pass the INS naturalization exam—plus a lot more. Like test-takers everywhere, many naturalization applicants simply want to earn a passing grade. Gourley teaches to the test, but includes a lot of information that probably will not be on it. "Being a citizen is about more than just passing an exam," he says. For example, he instructs the class in the Pledge of Allegiance. By the third or fourth week, everyone has memorized it. They recite it at the start of each class, even though none will be asked anything about the pledge during their naturalization interview. "Just about every kid in the United States knows that pledge," says Gourley. "It's important for these people who are going to be citizens to know it, too."

Students take the classes because they have some learning to do. "The Soviets didn't teach us anything about America—nothing true, anyway," says Viktor Bozhko, a Ukrainian in a citizenship course at Lake Hills Baptist Church, in Bellevue. "This is the best way for me to learn about my new home." Says the Cuban-born Ramon Negrin, one of Gourley's students at Bellevue Community College: "This is a good refresher course. It's making me proud to be an American."

The most important immigration policy is to teach immigrants how to be Americans.

These citizenship courses deepen immigrants' understanding of U.S. history and government. They turn borderline cases into applicants who ace their exams. They also can bring new people into the system by instilling those who otherwise would hesitate to apply with the knowledge and confidence they need to pass. Receiving 20 to 30 hours of citizenship instruction over 10 weeks' time would teach something to just about anybody, from a thoroughly assimilated immigrant to a well-educated native.

The Immigration and Naturalization Service doesn't have the resources to provide this education itself. What is needed is a modern-day Americanization Movement of private and local public institutions that would revive the old-fashioned ideal of civics instruction for immigrant adults, at a time when millions of them suddenly want to naturalize.

This mission is doubly important for immigrants, most of whom cannot fall back on childhood stories about patriot Nathan Hale's regret that he had "but one life to give" for his country, or President Lincoln's determination that government "of the people, by the people and for the people shall not perish from the earth." Yet they must learn such stories, for this is the stuff of which citizens—citizens of a nation dedicated to a proposition—are made. Ben Franklin once remarked that our Constitution offers Americans "a republic—if you can keep it." Turning immigrants into citizens, into Americans who cherish both their freedoms and their responsibilities, may be the surest way to keep this republic safe through the ages.

***John J. Miller**, a Bradley Fellow at The Heritage Foundation, is writing a book on immigration for the Free Press.*

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Social Contract Or Social Covenant

By Rabbi Jonathan Sacks

Britain's Chief Rabbi offers the biblical alternative to Hobbes's Leviathan.

There are two fundamentally different ways of thinking about human association. Consider two phrases we associate with the Greek and Jewish traditions and their most distinguished representatives, Aristotle and Maimonides. Aristotle described man as a *political* animal. Maimonides described man as a *social* animal. Those two phrases tell two different stories about the human condition. Both are true, but they describe different aspects of our collective life and give rise to different institutions.

Man as a political animal creates the institutions of political society: states, governments, and political systems. Man as a social animal creates the institutions of civil society: families, communities, voluntary associations, and moral traditions. As we approach the millennium, the reinvigoration of these civil institutions is the single greatest challenge facing the liberal democracies of the West.

But let me begin at the beginning: "In the beginning, God created heaven and earth." The biblical narrative of creation is constructed in a distinctive literary form. Repeatedly we read:

"And God said, 'Let there be . . . .' And there was . . . . And God saw that it was good."

It is therefore discordant to hear suddenly, for the first time, the phrase "not good." What, in creation, is not good? "It is not good for man to live alone." The first statement of the Bible about the human condition is the sanctity of the individual as individual. Every human being is in the "image of God." But the second statement about the human condition is the incompleteness of the individual as individual. "It is not good for man to be alone."

Hence the human need for association, relationships, and for stable structures within which those relationships can grow. In fact, much of the rest of the Hebrew Bible is the story of the unfolding of those relationships, from the nuclear family of Adam and Eve, to the extended family of Abraham and Sarah and their children, to the confederation of tribes in the days of Moses and Joshua, to the sovereign state in the ages of kings and prophets.

So the Hebrew Bible begins with the recognition that it is very difficult for human beings to live alone. But as the Bible itself indicates, it is also difficult for human beings to live together. With Adam and Eve come conflict, with Cain and Abel, fratricide. And by the generation of the Flood in Genesis 6, "the earth was full of violence." How then do we move from unbearable isolation to some form of tolerable association? I want to tell two stories, both implicit in the Bible, but quite different in their implications.

The first is told in its most famous form by Thomas Hobbes in the *Leviathan*. Hobbes, we recall, begins his story at the point which the Bible describes as the generation of the Flood, and which Hobbes called the "state of nature," in which human beings "are in that condition which is called War; and such a war, as is of every man, against every man" in which life is "solitary, poor, nasty, brutish and short."

How then, given the human tendency to con-

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flict, do human beings form societies? Hobbes's answer: The fear of violence and death. Some of us are stronger than others, but none is so strong that we are invulnerable to attack. Indeed each of us has reason to fear the preemptive attacks of others. Therefore it is in our essential interests as individuals, as a precondition of peace and security, to hand over some of our powers to a supreme authority that will make and enforce laws. This social contract brings into being the "great Leviathan" of the State, and thence *political society*—the repository of power needed to bring about a social order.

This is, of course, a central narrative in the evolution of Western society over the past three centuries; let us reflect on the assumptions that lie behind it. Its starting point is the naked individual, without any attachments to family, community, or traditions. The hero of Hobbes's story is the individual in search of self-preservation.

What motivates the individual? Hobbes's answer is *interests*, not moral commitments. In fact, he argues that morality is nothing more than a dignified way of talking about desire: "But whatsoever is the object of any man's Appetite or Desire; that is it which he for his part called *Good*, and the object of his Hate, and Aversion, *Evil*. . . . There being nothing simply and absolutely so, nor any common Rule of Good and Evil." That is not to say that we are incapable of doing good to others. On the contrary, we are perfectly capable of giving up part of our power and income for the sake of peace and social stability. But *that is* always because we gain more than we lose thereby. Man as a political animal is driven by calculation of rational self-interest.

God says in Genesis, "It is not good for man to live alone," but there are two different models by which people live together.

Artwork from the Bettmann Archive

It follows that the political arena will be one of conflict. One of the central issues of politics is the distribution of finite goods—wealth, power, honor—whose nature in the short term is such that if I have more, you have less. The political domain is therefore peopled by contending claimants, historically organized in classes, interest groups, and political parties.

That conflict is contained by the use of external power, by legislation or taxation backed up by the threat of coercive force—an army or police force. Power, for Hobbes, is the essence of the Leviathan. Thus arises the perennial question of politics, namely the *legitimation* of power, to which the best answer we have so far found is representative democracy.

Thus, according to Hobbes, is born political society. For the past 300 years, we have told ourselves a story in which humanity is a collection of rational self-seeking individuals; that society is the conflict of interests; that those conflicts are resolved by a central power given legitimacy by a social contract in which individuals recognize that it is in their interest to yield up part of their unfettered freedom; and that governments have emerged as the source of power through which conflicts are mediated.

I now want to tell a different kind of story, one which begins at the same point. Let us ask: what actually happens in the Hebrew Bible after the words, "It is not good for man to be alone"?

God creates woman. Man responds with the first poem in the Bible:

> "This is now
> bone of my bone,
> flesh of my flesh;
> she shall be called woman [*ishah*]
> because she was taken from man [*ish*]."

The Hebrew text contains a nuance missed in translation. Until this point, man has been called *adam*, "man-as-part-of-nature" (*adam/adamah*: "that which is taken from the earth"). Now for the first time man is called—indeed calls himself—*ish*, "man-as-person." Man must first pronounce the name of the other before he can know his own name. He must say "Thou" before he can say "I." Relationship precedes identity.

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What, in this narrative, is the primary social bond, marriage? It is *not* a Hobbesian contract between two atomic individuals, each seeking his or her own interests. It is instead—in the key word of Jewish thought—a *covenant*, namely a bond of love, or, more accurately, of identity, as if to say, "This is part of *who I am.*"

The same is true of welfare. The Bible couches its welfare obligations in phrases such as, "If your brother becomes poor." On this view, I owe help to others not because it is in my long-term interest to do so, but because they are *part of my extended family.* We are linked by a bond of kinship and fraternity.

Crucially, the Bible extends this idea even to the "stranger," the person who is not in any obvious sense a member of my extended family. The 19th chapter of Leviticus contains a famous command, "You shall love your neighbor as yourself." But it also contains a far more important command: "You shall not oppress the stranger . . . instead, you shall love him as yourself, for you were once strangers in the land of Egypt." Ultimately, if God is our parent, then all humanity is a single extended family. But the Bible wisely does not rely on this metaphysical proposition alone. Instead it asks us to engage in direct imaginative identification. We must help the stranger because we, too, are also potentially strangers; that is part of who we are.

Let us now see how the themes of this story differ from those of Hobbes. The central figure of the biblical narrative is not "I" but the "we" of which I am a part: the family, the community, the nation all understood as an extended family, and ultimately humanity itself, considered as a single family under the parenthood of God.

The driving force of the biblical drama is not self-interest but *chesed*, usually translated as "compassion" but more properly rendered as "covenantal love." It means the obligation that flows from emotional identification—the kind of relationship that exists between husbands and wives, or between parents and children.

What binds society, on this view, is not a contract but a covenant. The difference between them is this: Parties can disengage from a contract when it is no longer in their interest to continue with it. A covenant binds them even—perhaps especially—in difficult times. The reason is that a covenant is predicated not on interest, but rather on loyalty and fidelity.

This explains why the other key word in Judaism, *emunah*, is wrongly translated as "faith." Faith is a cognitive or intellectual attribute, *emunah* a moral one. It means the willingness to enter into and to stand by a long-term, open-ended commitment. It is the essence of a covenant. It means "faithfulness."

A social contract is maintained by the threat of external force, the Leviathan of the State. A covenant, by contrast, is maintained by an *internalized* sense of identity, kinship, loyalty, obligation, duty, responsibility, and reciprocity. A social contract gives rise to the instrumentalities of the State: governments, parties, and the mediated resolution of conflict. It is the basis of political society. A covenant gives rise to quite different institutions—families, communities, traditions, and voluntary associations. It is the basis of civil society. This is one way of describing the difference between man as a *political* animal and man as *social* animal.

So there are two stories about human associations, one told in our political classics, the other in our great religious texts. Both represent enduring truths about the human situation, and both need to be told if politics is to remain a moral enterprise. But they are not told, at any given moment, with equal force or conviction. That brings us to the third act in our contemporary social drama—because the past two centuries have seen the progressive institutionalization of political society, and the progressive deinstitutionalization of civil society.

Man as a political animal is driven by rational self-interest.

A single story has predominated: the Hobbesian story which sees us as individuals who act out of self-interest and form relationships on the basis of contracts. This has driven political theory since the days of Hobbes and Locke. It has driven economic theory since the days of Mandeville, Adam Smith, and Ricardo.

We have begun to use it to explain not only political and economic relationships, but civil institutions as well. Increasingly we speak of marriage as a mere contract, parenthood and childhood as sets of conflicting rights and powers, and communities as collections of interest groups. It is almost as if the civil arena has been taken over by the language of the political arena. Indeed, the real social drama of the past century has not been the eclipse of religion by science, but the eclipse of religious ways of thinking about relationships by political and economic ways.

Slowly we are beginning to realize that the Hobbesian story is only half the truth of our situation. Without a strong civil society, even political and economic structures fail. The Japanese have shown us that business cannot thrive without relationships of trust. We know that many of

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the most successful companies are driven not by the profit motive alone, but by the integrity of the relationship between producer and consumer, between employer and employee. We know that schools fail without the support of families. We know that families fail without the support of communities. We know that communities fail without neighborliness and the obligations that flow from fellow feeling. Neither the free market nor the liberal democratic state can survive without internalized constraints that prevent us—from a sense of honor, or fidelity, or decency—from doing certain things which it may be in our advantage to do. These are moral relationships. They are covenantal rather than contractual. They belong to a different narrative, one told by our great religious traditions.

In framing matters this way, I dispute two widely held assumptions. The first is that social problems have exclusively political solutions. A political solution will be only a partial solution, because the problem may have as much to do with the "I-Thou" relationships of families and communities as with the "I-It" relationship of the citizen to the state. Loading the full weight of civil society onto the institutions of government damages the political process. It burdens politicians with expectations they cannot satisfy, leading to cynicism and disenchantment.

As spouses, parents, neighbors, friends, and role models, we are called on to do certain things. And this discovery is profoundly liberating, because it means we can change ourselves and the people around us. A civil society is a participating society, one in which we each have a share. Not each of us gets to influence the fate of nations; but each of us gets to influence the fate of a family, a neighborhood, a community.

The second assumption with which I disagree

Man as a social animal is driven by kinship, loyalty, and moral commitment.

is that we are becoming less moral as a society. Something has gone wrong, but it is not at the level of our moral motivations. Consider the recent tragedy of the massacre in Dunblane, Scotland. I can only respond to that terrible event with the silence of a grief that swallows words and robs them of their meaning. When Moses' brother Aaron lost his two sons, Moses tried to comfort him, but the Bible says, "Aaron remained silent." At the heart of the mystery of existence is a black hole of suffering before which we can only stand and weep.

But what we should reflect upon, no less than the tragedy itself, is our response. Throughout Britain there could hardly have been an individual who did not share in the shock and sense of loss. Here were children we did not know, families we never met, and yet we were part of their grief. We mourned as if they had been our neighbors and friends. We wanted to help and to comfort. And for a moment we caught sight of Britain as it truly is: not a nation of disconnected individuals in pursuit of self-interest, but a people united by a sense of fellow feeling and kinship, joined by a covenant of shared suffering and fate. Americans reacted similarly to the bombing in Oklahoma City.

To be sure, individuals injure the social bond by acts of violence and brutality. But the bond remains. Britain is still a powerfully moral nation. But we have lost the habit of telling the story that explains us to ourselves as moral beings. Self-interest we can explain; conflict we understand. But the other half of ourselves, which speaks of the covenant that makes us weep when other people suffer, has been obscured so that we only recognize it at moments of great tragedy. But this vital moral energy still sustains civil society and humanizes our political and economic institutions.

The new century heralds an era of immense and destabilizing change. The old verities—a job for life, a marriage for life, a sense of boundaries and predictability—have become less secure. Under such circumstances, it becomes ever more important to draw a moral map in the midst of what seems like chaos, to bring stability back into our most enduring relationships, and to create a society in which we know others will support us in times of crisis and need. It means, in short, strengthening the civil bond, and that means restoring to its power the great narrative, so different from that of Hobbes, that sees our social life in terms of kinship and covenant, the mutuality that precedes identity.

Society has a spiritual dimension. It was the great insight of the Hebrew Bible to see that we encounter God not only in houses of worship and moments of prayer, but also in the grace we bring to personal relationships, the loyalty and fidelity with which we invest commitments like marriage and parenthood, the integrity we show in our business and public lives and the sense of guardianship we bring to nature as creation. The renewal of civil society is a spiritual task—a true challenge for the millennium.

***Jonathan Sacks** is the Chief Rabbi of Great Britain. This article is adapted from his "Millennium Lecture" at the Manchester Business School, in Manchester, England, on March 20, 1996.*

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Town Square

NEWS FROM THE CITIZENSHIP MOVEMENT

Groups to Watch

Michael Reagan Surfs the Web

Watch out, Al Gore. Popular conservative radio commentator **Michael Reagan** has joined the information superhighway. Brought on-line on October 1, 1995, the **Reagan Information Exchange** web site has since drawn 265,000 Internet visitors. The site's offerings range from the serious to the comical: from "Hot Topics," a politically frank discussion of current events, to "Liberal Man," a comic strip about the adventures of a liberal superhero. Web surfers will also find quotes from Reagan's father, the former president, and an opportunity to share thoughts with Reagan. "It's a way to bypass the traditional media and to get the information from Mike's show in the hands of the people without the spin of the liberal media," says Andy Beal, the president of MediaFax Technology, who manages the site.

Those of you who don't share Reagan's enthusiasm for technology could tune into his radio show, broadcast by nearly two hundred radio stations across the country between 6 P.M. and 10 P.M. EST. Of particular note is Reagan's Constitutional Minute. Part history lesson, part hard-hitting commentary, it examines how lawmakers can distort the principles of the Constitution to escape its constraints.

☛ *Reagan Information Exchange—Web site: http://www.reagan.com. The Michael Reagan Talk Show—tel: 818-380-6827, fax: 818-380-6823.*

Citizenship on the Tube

While the major networks draw fire for their vulgar entertainment programming, a small network is tackling profound issues at the heart of good citizenship. **National Empowerment Television's Political NewsTalk Network** offers television programs focused on limited government and personal responsibility, the cornerstones of a free society.

Launched in December 1993, NET broadcasts 24 hours a day, seven days a week and reaches 12 million households. Programs include "The Right Side," with social commentary by columnist Armstrong Williams; "Straight Talk," a show on the politics of the family hosted by Family Research Council's Gary Bauer; "BorderLine," which features live discussions about immigration, language, culture, assimilation, population, and the environment; and "Legal Notebook," which showcases live debates about court rulings, court opinions, and judicial appointments.

☛ *NET—tel: 202-544-3200, fax: 202-543-5605, Web site: net.fcref.org.*

Cost of Government Day

Americans for Tax Reform has declared July 3 **Cost of Government Day (COGD)**—the day of the calendar year on which the average American worker has earned enough in gross income to pay off all of his or her government-imposed financial obligations. These obligations include federal, state, and local taxes; federal regulatory costs; and state workers' compensation and tort-law costs. They do not include state regulatory costs, which are substantial but difficult to quantify. Still, by year's end, the average American will have spent 184.6 days—more than half of the year—in essence working for the government. COGD arrives one day earlier than last year in part because 1996 is a leap year. In recent years, the day has fallen as late as July 11, but defense cuts have offset continued growth in social and discretionary spending. Republicans have also reined in the growth of some spending programs.

☛ *Americans for Tax Reform—tel: 202-785-0266, fax: 202-785-0261.*

Black Conservatism

February 29 was the occasion for the launch of the **Center for New Black Leadership**, a D.C.-based think tank devoted to promoting "a market-oriented, community-based vision of public leadership for black communities in America." It supports policies consistent with the black community's long-held commitment to individual initiative and personal and civic responsibility. The center sponsors debates, symposia, and conferences; publishes essays, papers, and op-eds; files *amicus* briefs in important appellate court cases; offers testimony before Congress; and holds media roundtable discussions. Run by president **Brian W. Jones**, the center is guided by a distinguished board of directors that includes Minnesota banking executive **Peter Bell**, **Arianna Huffington** of the **Center for Effective Compassion**, **Shelby Steele** of the Hoover Institution, **Phyllis Berry Meyers** of the National Center for Leadership Training and Recruitment, and **Glenn Loury** of Boston University. To date, the Center has filed an *amicus* brief in support of school choice in Milwaukee, commissioned a scholarly analysis of Clarence Thomas's jurisprudence, offered testimony to the U.S. Senate Labor and Human Resources Committee regarding federal contract set-asides for minority contractors, and commissioned a review of polling data on the black community's attitudes on important social and political issues.

☛ *Center for New Black Leadership—tel: 202-638-0651, fax: 202-638-0652.*

What Works

Businesses BID to Improve NYC

All across America, businesses are pooling their resources to pick up where city government is leaving off. Nationally, there are approximately a thousand Business Improvement Districts (BIDs)—local business zones whose corporations tax themselves to pay for cleaning and patrolling surrounding city streets and to provide services to the homeless. Unencumbered by bureaucratic rules and procedures or inefficient labor contracts, many have blazed trails in solving social problems.

With 34 already in place and 39 to come, New York City has a greater number of BIDs than any other city in the country. The most famous is the Grand Central Partnership (GCP), which covers a 50-block section of midtown Manhattan and represents 14 percent of Manhattan's total office space. In *City Journal*, **Heather Mac Donald** holds up this district and others in New York to demonstrate that BIDs work. The improvement of midtown Manhat-

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tan is palpable. Since it started in 1988, GCP has reduced crime in its jurisdiction 60 percent; graffiti has disappeared; new lampposts, planters, and trash receptacles have been installed. GCP is doing a better job battling urban blight than the government ever could.

Of course, BIDs have their critics: business "experts" and academicians who complain that additional taxes will drive businesses from cities, social-service professionals whose jobs are threatened by successful BIDs, liberals who object to private action in public spaces, and redistributionists who fear that BIDs contribute to growing disparity between the rich and the poor. But Mac Donald notes that the Partnership's 24-hour social service center has helped move the area's homeless into jobs and off drugs.

☛ *"BIDs Really Work," by Heather Mac Donald,* City Journal, *Spring 1996.*

Welfare Reform

In "Welfare Reform in the States," a two-part series published in **Capital Research Center**'s *Alternatives in Philanthropy* newsletter, leaders of 17 state public-policy think tanks examine state-level welfare reform and propose new ideas for transferring responsibility for welfare services to charities and nonprofit organizations. **Lawrence W. Reed**, president of the Michigan-based **Mackinac Center for Public Policy**, demonstrates how Governor John Engler has revolutionized welfare in Michigan by requiring welfare recipients to work in exchange for benefits and allowing welfare beneficiaries to keep their earnings without receiving a dollar-for-dollar reduction in their welfare benefits. **David G. Tuerck** of Massachusett's **Beacon Hill Institute** wants to encourage private charity by giving taxpayers a 100 percent federal tax credit for contributions to private charities—up to 25 percent of their total federal tax liability.

Tom Tancredo and **Dwight Filley** of the Colorado-based **Independence Institute** believe welfare reform is a key weapon in the battle against fatherlessness. **Sally C. Pipes** and **Katherine Post** of California's **Pacific Research Institute** support a welfare-reform initiative in their state that would reduce benefit levels and eliminate welfare increases for households in which there is any increase in the number of adults or children but underscore the importance of delivering social services privately by highlighting two successful California nonprofits.

Joseph Bast of the Illinois-based **Heartland Institute** criticizes reforms in his state for "throwing good money after bad, and reshuffling bureaucracies." **Peter Barwick** of the Pennsylvania-based **Commonwealth Foundation** defends work requirements against three criticisms, including the argument that they undermine family.

Amy Frantz of the **Public Interest Institute** in Iowa backs Individual Development Accounts—IRAs for low-income people that are managed by and can receive matching funds from community organizations.

Kelly McCutchen of the **Georgia Public Policy Foundation** writes that welfare reform as conservatives understand it receives overwhelming support from Georgians—across race lines.

Writing for the **Nevada Policy Research Institute**, state senator **Maurice E. Washington** describes three faith-based organizations that are helping the needy in his state achieve self-sufficiency.

Gary Palmer of the **Alabama Family Alliance** highlights a privately funded Christian elementary school that charges no tuition and breaks the wel-

Privatization Competition Awards

The Pacific Research Institute for Public Policy (PRI), based in San Francisco, is a think tank that offers less costly, more efficient government with market-oriented solutions. On May 7, PRI hosted its fourth annual Privatization Competition Awards Dinner, honoring citizens and private organizations who have developed successful alternatives to government-managed social services in California. The nominees were judged by William D. Eggers of the Reason Foundation, Arianna Huffington of the Center for Effective Compassion, and Eloise Anderson, the director of California's Department of Social Services. A description of this year's five winners:

Chrysalis helps the homeless in Los Angeles find jobs by teaching job-hunting skills, offering assistance in writing resumes, videotaping mock interviews, teaching typing and word processing, and providing its clients with bus fare and work clothes for job interviews. Chrysalis places some individuals in need of job experience or temporary employment with a street maintenance company or employs them through its own temp agency. Since 1984, it has helped three thousand homeless (63 percent of the people it has served) find and retain jobs for at least 90 days. Chrysalis is 80 percent privately funded.

Redwood Gospel Mission on average serves 6,116 hot meals and provides 2,256 beds to the needy and homeless of Sonoma County each month. The Mission also provides food and clothes, prepares the homeless for job searches, and treats drug and alcohol addictions. It accepts no government money.

Challengers Boys & Girls Club is an after-school program that provides at-risk Los Angeles youth ages 6 to 17 with an alternative to crime and delinquency through education, leadership projects, physical education, and social activities. Challengers requires parent participation. It receives less than 20 percent of its budget from government sources.

Center for Black Concerns is a think tank that has assembled a resource bank of educators, social workers, counselors, psychologists, and parole officers to address the needs and concerns of black people. Through Project Pride, the Center mentors minority students in danger of not completing school. The Center also operates a drug-free housing program for adult substance abusers. The Center does not receive any government funding.

4-H After-School Program provides 1,200 children in public housing with after-school activities at 23 sites throughout Los Angeles. Participants receive tutoring and participate in community service projects. Fifty-five percent of 4-H's budget comes from the private sector.

For more information, contact Pacific Research Institute—tel: 415-989-0833, fax: 415-989-2411, e-mail: pripp@aol.com, Web site: http://www.ideas.org.

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fare dependency cycle by giving its children an outstanding academic and moral education. And **John Hood**, president of the North Carolina-based **John Locke Foundation** wants to reform the largest of all welfare programs, Medicaid, by issuing vouchers to low-income people to purchase private health insurance, enroll in managed care, or make deposits to medical savings accounts.

☛ *"Welfare Reform in the States, Pts. I and II,"* Alternatives in Philanthropy, *April 1996. Capital Research Center—tel: 202-393-2600, fax: 202-393-2626.*

Cautionary Tales

Property-Rights Reversals

Average Americans oppose legislation that protects their property from uncompensated takings by the government. This is exactly what land-rights activists discovered in Washington state when a statewide referendum on property rights in the fall of 1995 went down to defeat by a 3-2 margin.

Ed Carson explains in ***Reason*** how this counterintuitive vote happened and teases out lessons for land-rights activists. The 1994 Republican revolution created a tremendous opportunity for property-rights activists in the state legislature. The result: Initiative 164, which requires the state to compensate property owners when land-use regulations diminish the use and value of their property, passed into law.

Opponents quickly gathered signatures to put the initiative on the last year's November ballot as a popular referendum. The referendum on preserving the property-rights law as is failed by a resounding 3-2 margin, primarily because property-rights activists failed to sell the proposal to urban and suburban voters. Having spent so many years as a minority lobby in a minority party, the referendum's supporters hadn't developed a way to relate the effects of uncompensated takings (higher housing prices and limited job opportunities) to the lives of all Washingtonians.

Opponents capitalized on widespread distrust of Republicans—even by Republicans—on environmental issues. They also argued persuasively that suburban taxes would rise to pay for new bureaucracy. Finally, the referendum was vague and poorly written. Carson concludes that land-rights activists will be successful pushing their agenda only if they pull suburbanites on board.

☛ *"Property Frights," by Ed Carson,* Reason, *May 1996.*

Older Men, Pregnant Teens

Welfare reform correctly targets teen pregnancy as a cause of welfare dependency, **Kathleen Sylvester** of the **Progressive Policy Institute** reports. Forty-three percent of long-term AFDC recipients were 17 or younger when they gave birth the first time. But welfare reformers only attack half of the teen pregnancy problem when they attempt to reform young female behavior. Seventy percent of babies born to teen moms are fathered by men 20 years or older. At worst, these children are the product of child abuse or molestation; at the very least, they are the result of statutory rape—what many states now call "unlawful sexual intercourse." If we want to combat teen pregnancy, Sylvester argues, we need to punish these predators.

Stiffening penalties for child abuse and unlawful intercourse is not enough—many states have already done so to no avail. The real problem: Child molesters and statutory rapists are prosecuted less frequently than other sex offenders. Prosecutors fear that teens are unreliable witnesses. And when they are prosecuted, these offenders rarely receive the stiffest penalties under the law.

The importance of punishing men who prey on teens is underscored by the generational cost of failure. Studies show that even teens who consent to sex with older men often do so because they were once sexually abused and search for the stability an older man symbolically affords. But children born to women who have been subject to sexual abuse are often abused themselves. Failure to address this problem now will contribute not only to welfare dependency but to the continuation of child abuse as well.

☛ *"Punish the Predators," by Kathleen Sylvester,* New Democrat, *May/June 1996.*

Thoughts on Civil Society

Marriage

The May/June "issue of ***American Enterprise*** is devoted to the premise, as editor **Karl Zinsmeister** puts it in his introductory essay, that, "Marriage is the cornerstone upon which most of

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the rest of our social order rests." Once this cornerstone begins to crumble, all of our remaining social institutions are bound to become shaky, too. "That's why marriage reclamation must precede other forms of societal reform," he writes.

One reason so many marriages are in trouble, argues film critic **Michael Medved**, is an ubiquitous but pernicious custom that "not only misleads individual couples, but also serves to undermine the best foundation for stable marriage in this society." This custom is known as the honeymoon.

"A union that emphasizes at its outset the shallow and fleeting pleasures of a few days in the sun," Medved argues, "cannot have the staying power of a partnership of common purpose, supported by similarly committed friends and family." Medved contrasts the modern honeymoon with the Jewish tradition of *Sheva Berachos*, and with the 19th-century marriages between pioneers celebrated in the Aaron Copland-Martha Graham ballet, *Appalachian Spring*. In both cases, rather than escaping to some exotic locale, the newlyweds are joyfully inducted into the community in which they intend to make their lives. "Instead of thoughtlessly accepting the idea that newlyweds need to be cut off from company, we all have a stake in promoting wedding traditions that connect couples to their communities," Medved concludes.

Another reason marriage is in trouble, argues sociologist **Barbara Dafoe Whitehead**, is that prominent feminist thinkers no longer believe that it is important. She quotes feminist Katha Pollitt, who contends that "[i]f single women can have sex, their own homes, the respect of friends, and interesting work, they don't need to tell themselves that any marriage is better than none. Why not have a child on one's own? Children are a joy. Many men are not."

But it turns out, Whitehead argues, that the big losers in any society that devalues marriage are women. "A society of more informal and easily dissoluble intimate unions, " she writes, "is a society where there is likely to be more male aggression against women—for crimes of violence against women are rooted mostly in male jealousy." The O.J. Simpson case was only "the most sensational" in a series of recent celebrity trials for battery and rape. As the American marriage takes on the characteristics of the American job—"short-term, contingent, subject to abrupt termination"—the occasions of "sexual rivalry, brinkmanship, and violence" are bound to increase, and the perennial war between the sexes will take on "a more aggressive, openly vengeful, and even violent edge."

Because churches and synagogues conduct three-quarters of all marriage ceremonies in the United States, they have a special obligation to help couples accomplish two goals, argues nationally syndicated columnist **Michael McManus:** "First, avoid a bad marriage before it begins. Second, learn to resolve conflicts that are inevitable."

Some churches and synagogues are rising to the challenge. Marriage Encounter, a lay movement that came out of Catholicism and now involves a dozen denominations, conducts weekend retreats led by couples with fulfilling marriages. Designed to help marriages that are under stress, Marriage Encounter has enjoyed phenomenal success. "Studies show that 80 to 90 percent" of the couples attending their weekend retreats "literally fall back in love."

To counsel engaged couples, David Olson, a family psychologist at the University of Minnesota, developed a "premarital inventory" called PREPARE. Consisting of 125 statements that the engaged man and woman are both asked to accept or dispute, PREPARE is easily administered by a pastor or mentoring couple. "Remarkably," writes McManus, "PREPARE predicts with 86 percent accuracy which couples will divorce, and with 80 percent accuracy who will have a good marriage. More importantly, 10 to 15 percent of those who take the test break off their engagements . . . avoiding a bad marriage before it begins."

Given these results, McManus concludes that any church can significantly reduce its members' divorce rate, provided that it thinks of itself as a marriage-saving institution rather than simply a "wedding factory." "Our churches need to involve themselves in preparing couples for life-long marriage, in strengthening existing marriages, and in saving unions headed for the rocks." ☛ *"It Takes a Marriage,"* American Enterprise, *May/June 1996.*

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What's New at Heritage

Consensus on Divorce Reform?

Says NOW founder and feminist author **Betty Friedan,** "I think we made a mistake with no-fault divorce." Departing from feminist orthodoxy, Friedan acknowledges that women have suffered economically and psychologically as a result of no-fault divorce. On May 14, Friedan joined **William Galston,** a former assistant to President Clinton for domestic policy, and conservatives **Maggie Gallagher** and **William Mattox** in The Heritage Foundation's Lehrman Auditorium to discuss "The Collapse of Marriage: The Economic and Social Consequences for America." Friedan shocked a standing-room-only audience by partly agreeing with conservatives on the panel.

According to Gallagher, the author of *The Abolition of Marriage: How We Destroy Lasting Love,* nearly 65 percent of American marriages fail. Ten years from now, half of all children will be raised outside of marriage. Children raised outside of marriage are more likely to be poor, criminal, and suicidal. They are also less likely to marry and are more prone to divorce. Marriage will collapse further, and more children will be put at risk, unless society strengthens the institution.

Arguing that adults pay a hefty price for divorce as well—both in terms of personal health and financial stability—Galston called for legal reforms to strengthen marriage, including overhauling no-fault divorce laws and making divorce settlements more friendly to children and stay-at-home moms. He also advocated a national, bipartisan effort to reduce teen pregnancy. Galston concluded, however, that we need a cultural revolution to elevate children's well-being above Americans' desire for personal autonomy.

Mattox, the vice president for policy at Family Research Council, contended that this revolution must start in our communities. "It takes a whole village to uphold a marriage," says Mattox. The village offers models of successful marriages, support systems in times of marital distress, and outlets for partners to spend time away from one another.

Craig Wins Salvatori Prize

Conna Craig, the president of the Institute for Children, received the first annual Salvatori Prize for American Citizenship at the May meeting of The Heritage Foundation's President's Club. She has requested that the $25,000 prize be donated directly to the Institute for Children, a nonprofit based in Cambridge, Massachusetts, that works to lower the legal barriers to the adoption of foster children.

Craig's views on foster care and adoption were articulated to blockbuster effect in a *Policy Review* article entitled, "What I Need Is a Mom: The Welfare State Denies Homes to Thousands of Foster Children" (Summer 1995). This article has been reprinted widely, including in *Reader's Digest.*

According to Craig, government policy is at fault for the backlog of unadopted children in our foster-care system. "The funding system gives child-welfare bureaucracies incentives to keep even free-to-be-adopted kids in state care," she says. "State social-service agencies are neither rewarded for helping children find adoptive homes nor penalized for failing to do so in a reasonable amount of time." Craig says there are 50,000 foster kids ready to be adopted that remain without parents because government policies stand in the way.

Salvatori Prize winner Conna Craig

The Salvatori Prize for American Citizenship, named for entrepreneur and philanthropist Henry Salvatori of Los Angeles, will be given annually by The Heritage Foundation to recognize extraordinary efforts by Americans to help their communities solve problems the government can't. Says Heritage president Edwin J. Feulner Jr., "The Salvatori Prize highlights the successful achievements of Americans who embody the principles of citizenship envisioned by our Founding Fathers."

Stand for Subsidies

On June 1, thousands descended upon the nation's capital to "Stand for Children." The rally's organizers claimed that it represented a nonpartisan show of support for children and families. But **Ken Weinstein**, the director of Heritage's Government Reform Project, points out that more than 100 of the organizations endorsing the march received a total of nearly $400 million in federal funds in the 1993-94 fiscal year alone.

"The list of 426 organizations endorsing the Stand for Children looks like a *Who's Who* of federally funded organizations," Weinstein writes in his report, entitled "Stand for Children or Last Stand for Big Government?" The list includes government agencies like the Department of Agriculture, lobbyists like the National Association of WIC Directors, and liberal activist organizations with no special focus on children, like Zero Population Growth, the Gay and Lesbian Victory Fund, Greenpeace, and the National Rainbow Coalition.

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Want to know what conservative candidates will be talking about in this election year? Read *Issues '96,* a 570-page candidate-education guide published by The Heritage Foundation. Covering everything from the budget, taxes, and the economy to crime, welfare, and national security, *Issues '96* will be useful to congressional candidates who want to run conservative, issues-driven campaigns. The Associated Press has described it as "packed with facts, analysis, and anecdotes."

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Profiles in Citizenship

The Lawyer's Conscience

Baltimore lawyer David Hoffman created a lawyer's code of ethics. Of course it's ignored today.

by Michael Krauss

Michael Krauss is a professor of law at George Mason University, in Arlington, Virginia.

To early generations of Americans, republicanism conveyed two concepts of citizenship: "rights," which limited government, and "responsibilities," which constituted civic virtue. If the former is divorced from the latter, the law becomes a collection of morally neutral legalisms and lawyers mere technicians of the law. The disrepute of the legal profession today comes largely from this very separation. One lawyer who spent his life trying to maintain the proper connection between rights and responsibilities within the legal profession was David Hoffman.

Hoffman was born in 1784, the 11th of 12 children of Dorothea and Peter Hoffman, a prosperous Baltimore merchant. He attended St. John's College in Annapolis for three years before returning to Baltimore, where he apprenticed in law for another three years. Hoffman was the only son who declined to enter the family business, but Hoffman & Sons Dry Goods sometimes needed legal help, so his choice of profession suited the family. By 1816, his practice in bustling Baltimore (then the nation's third largest city) was bringing in $9,000 a year, a lucrative sum at the time. Inclined toward scholarship, Hoffman was unhappy with commercial practice, and in 1814 he accepted a part-time position as the only professor of law at the University of Maryland.

In the early 19th century, law courses were available only at a few law schools and colleges; one usually entered the legal profession through an apprenticeship with a practicing lawyer. Yet Hoffman was convinced that jurists of the new republic needed to study history and philosophy to learn the timeless principles that supplemented the laws and made legal precedents intelligible. He also feared that his generation of legal practitioners was becoming too detached from the philosophical underpinnings of the Founding to appreciate the vision of law and lawyering required in republican America.

Hoffman set aside a growing share of his professional time to develop a curriculum for the Maryland Law Institute. His *Course of Legal Study*, published in 1817, was widely circulated and admired by America's legal educators.

Even more than his insistence on substantive legal education, however, Hoffman was concerned about the condition of ethical standards in the legal profession. In his view, legal questions ultimately resolved themselves into moral questions, and so his *Course* grounded the discipline on clear, objective standards: "[W]e assume it as undeniable that pure Ethics and Natural Law lie at the very foundation of all laws." He believed that Jacksonian democracy was weakening the barriers to excessive populism, and feared it would end in "mob rule," a situation incompatible with both legal order and objective truth.

Hoffman resolved that the lawyers he educated would not serve as accessories to this crime and, in 1836, as volume two of his *Course of Legal Study*, he published *Fifty Resolutions in Regard to Professional Deportment.* This book was America's first code of legal ethics.

Fifty Resolutions is remarkable for its unrelenting contention that representation of clients in no way absolves lawyers from the dictates of conscience. "What is wrong is not less so from being common," states Resolution 33. "What is morally wrong cannot be professionally right, however it may be sanctioned by time or custom." "If, after duly examining a case," admonishes Resolution 11, "I am persuaded that my client's claim or defense (as the case may be) cannot, or rather ought not, be sustained, I will promptly advise him to abandon it." Although a statute of limitations had a legitimate purpose, Hoffman maintained in Resolution 41 that it was unethical for a lawyer to invoke it if his client had acknowledged the plaintiff's claim. Another resolution forbade lawyers from using their intellectual prowess to mislead jurors into accepting unsound arguments.

In today's judicial arena, legal positivism—the view that there are no legal obligations beyond statutory law—has triumphed. Codes of "professional responsibility" (laws prescribing state sanctions for disobedience) have displaced canons of ethics. Compare *Fifty Resolutions* with the American Bar Association's "Model Rules of Professional Responsibility." For Hoffman, the existence of a knowable truth obliged all officers of the court, including lawyers, to assist in its discovery; for the ABA's "Model Rules," moral ambiguity frees attorneys to act as results-oriented "hired guns." Under the "Model Rules," an attorney who refuses to invoke a statute of limitations on behalf of a bad-faith debtor or who declines to advance an unsound but convincing argument for his client can be disbarred. If an act is legal, under the Model Rules, it must be ethical.

Hoffman's law school stagnated, the victim of underfunding and bureaucracy. He ceased teaching, wrote popular essays, and lived in England for several years. He died in 1854, discouraged at the prospects for republican virtue in America. Despite limited success in his lifetime, Hoffman was not a failure. A growing number of legal educators today insist that ethics be taught to lawyers again. And Hoffman—an obscure lawyer writing some 150 years ago—has emerged as both an exemplar of good lawyering and the true father of legal ethics in America.

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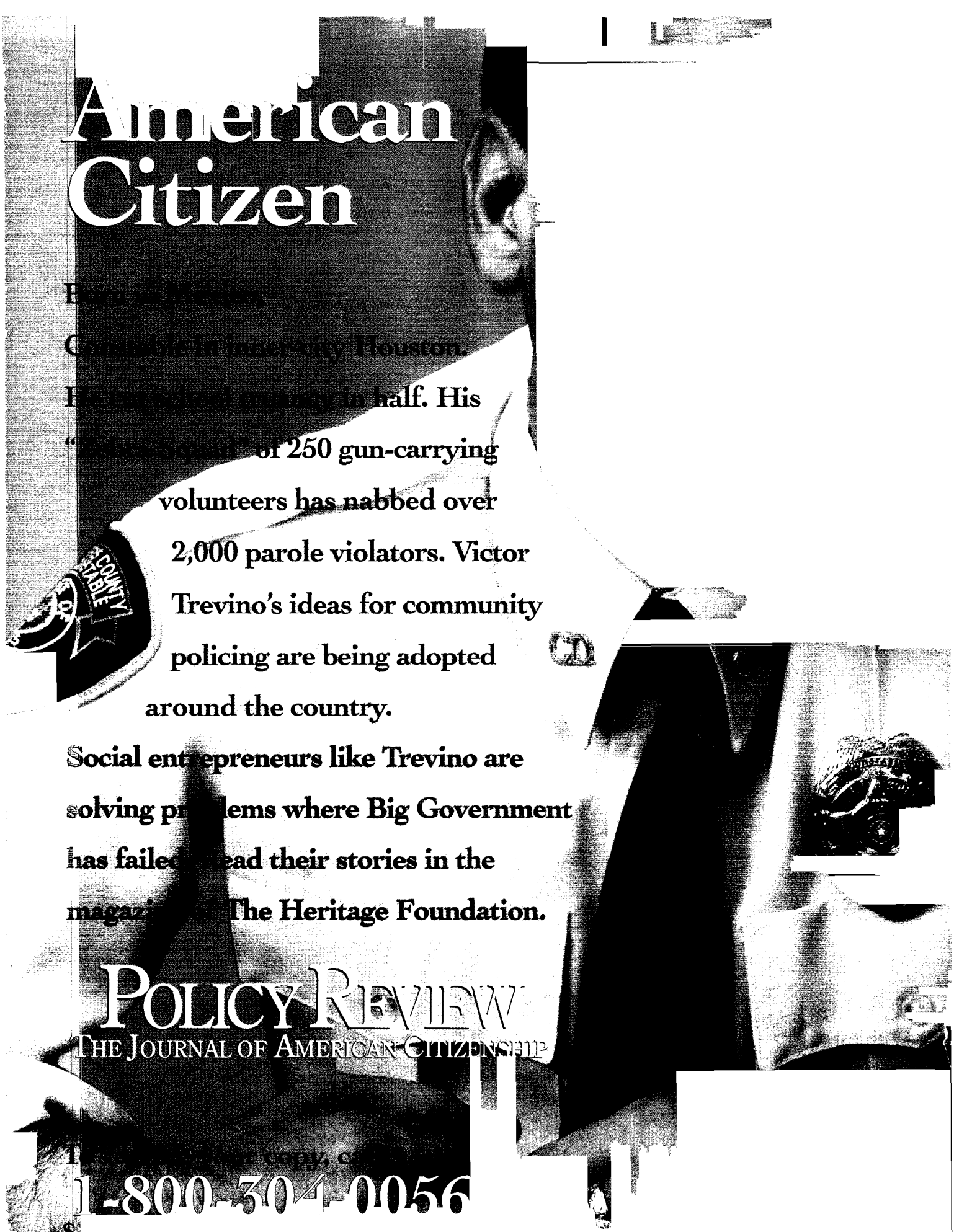

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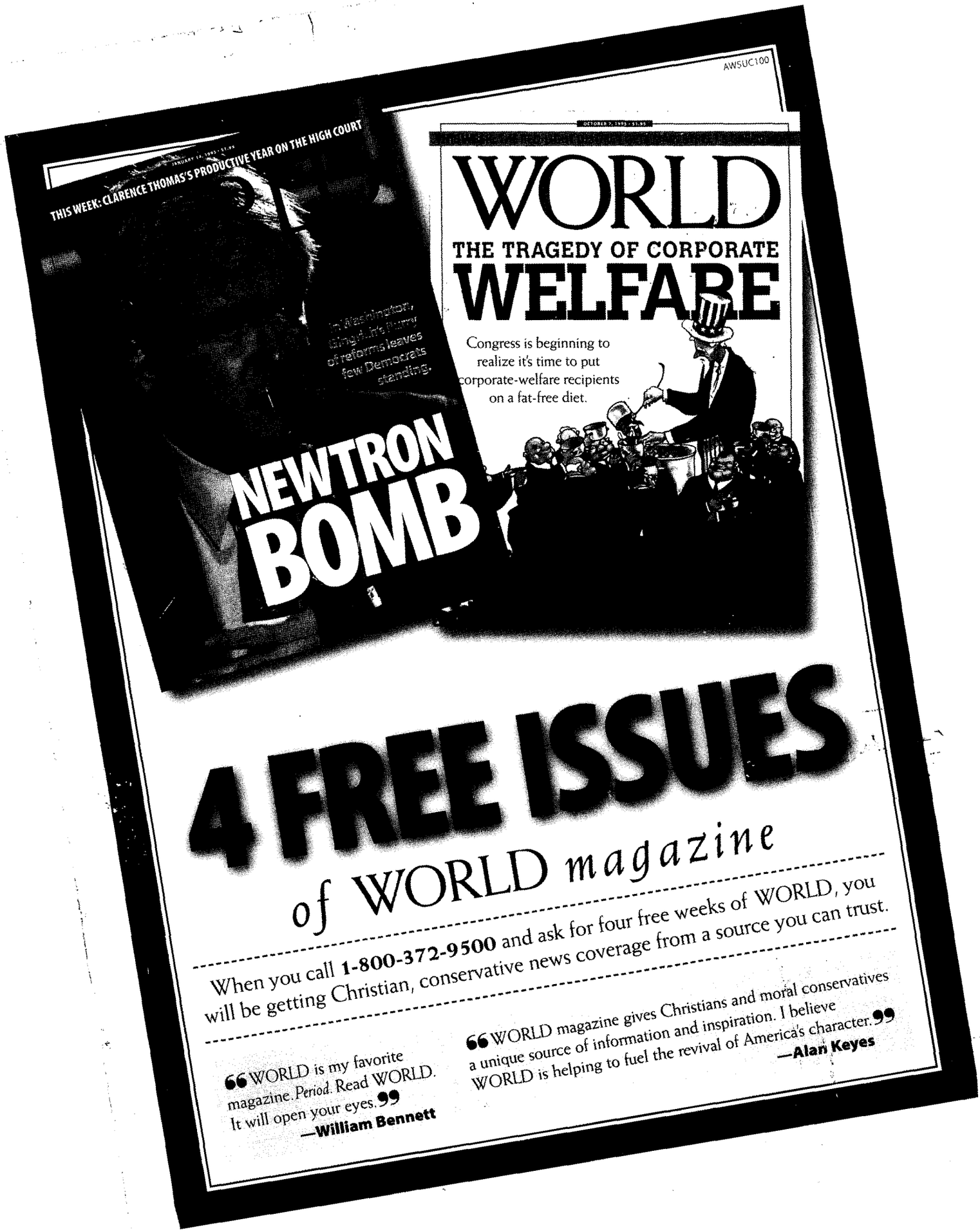
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